

**TOWN OF PARADISE
RESOLUTION NO. 09-38**

**A RESOLUTION INCREASING THE ONSITE
OPERATING PERMIT FEE**

WHEREAS, Pursuant to California Constitution Article XI, Section 7, the Town of Paradise has the police power to regulate the disposal of wastewater within its jurisdiction; and

WHEREAS, the Town has adopted Paradise Municipal Code Chapter 13.04 for the purpose of regulating the health and safety aspects of approximately 11,068 privately owned wastewater disposal systems within the Town; and

WHEREAS, there are five full-time town employees who provide regulatory services relating to privately owned wastewater disposal systems in accordance with Paradise Municipal Code Chapter 13.04 and the Town Onsite Wastewater Treatment Manual; and

WHEREAS, the current Onsite Operating Permit fee of \$27.22 was adopted on August 12, 2008; and

WHEREAS, the Town's current annual budget for such regulatory services is \$391,424 which does not cover the operational costs of performing inspections of advanced treatment septic systems nor the cost of the State mandated groundwater monitoring program; nor the cost of maintaining other Onsite Sanitation Division regulatory services such as the septic system evaluation and the surface water monitoring program; and

WHEREAS, the current Onsite Operating Permit fee provides \$301,271 in revenue for the Town's regulatory services, which is \$44,272 less than is needed to cover the costs of such regulatory services; and

WHEREAS, in order to generate revenue to help pay for such regulatory services, the Onsite Operating Permit fee must be increased to \$31.22; and

WHEREAS, on August 8 and August 15, 2009, the Town published a public notice in the newspaper of general circulation that the Town Council would hold a public hearing on August 25, 2009 relating to proposed increases in the Master Fee Schedule, which increases include the Onsite Operating Permit fee; and

WHEREAS, on August 25, 2009, the Town Council held a public hearing relating to the proposed fee increase.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Paradise as follows:

SECTION 1. Based on the above recitals, Town Council has determined that the Town's sewage disposal services are solely regulatory in nature and that a fee of \$31.22 for an Onsite Operating Permit does not exceed the Town's costs to provide such regulatory services to its citizens.

SECTION 2. The Town Council adopts an Onsite Operating Permit fee of \$31.22.

SECTION 3. This resolution shall become effective immediately.

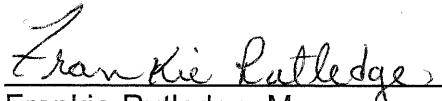
PASSED AND ADOPTED by the Town Council of the Town of Paradise this 25th day of August 2009, by the following vote:

AYES: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter, Alan White and Frankie Rutledge, Mayor

NOES: None

ABSENT: None


NOT VOTING: None

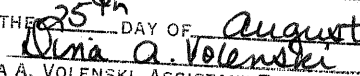

Frankie Rutledge, Mayor

ATTEST:

BY: 
Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:

BY: 
Dwight L. Moore, Town Attorney

I, DINA A. VOLENSKI, ASSISTANT TOWN CLERK OF THE TOWN OF PARADISE, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF RESOLUTION NO. 09-38
ADOPTED BY THE COUNCIL OF THE TOWN OF PARADISE
AT A Regular MEETING HELD
ON THE 25th DAY OF August 2009

DINA A. VOLENSKI, ASSISTANT TOWN CLERK