

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. 762-16, THE
CITY'S FEES, RATES AND CHARGES RESOLUTION,
PERTAINING TO PENALTIES FOR WATER THEFT AND
UNREPORTED WATER CONSUMPTION FROM
HYDRANT WATER METERS**

WHEREAS, the City Council of the City of Sunnyvale ("City") adopted Resolution No. 762-16, the Master Fee Schedule, on June 28, 2016; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services; and

WHEREAS, the City wishes to amend the Fee Schedule to include penalties for water theft and unreported water consumption from hydrant water meters; and

WHEREAS, the City Council approved an ordinance adding new sections to Chapter 12.24 (Water System Regulations) of the Sunnyvale Municipal Code; and

WHEREAS, to ensure consistency with the new ordinance, the City desires to implement penalty fees for water theft as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 9.05, "Construction Hydrant Meters" of the Master Fee Schedule, is hereby added and adopted as follows:

Late Fee: \$250 per month

The monthly fee shall be imposed on any person taking water through a hydrant meter who fails to report their water consumption by the tenth day of the month, as established in the city fee schedule.

2. Section 9.14, "Water Theft Penalty" of the Master Fee Schedule, is hereby added and adopted as follows:

Water Theft Penalty: \$1,000 per incident

This penalty shall be imposed for any unlawful use of city potable or recycled water, per municipal code section 12.24.115.

3. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.

4. All other provisions of Resolution No. 762-16 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney