

CITY OF ALAMEDA RESOLUTION NO. _____

FINDING [NO] MAJORITY PROTEST AND APPROVING THE CONTINUATION AND COLLECTION OF THE EXISTING 2019 WATER QUALITY AND FLOOD PROTECTION FEE FOR FISCAL YEAR 2022-23

WHEREAS, on July 16, 2019, the City Council of the City of Alameda adopted Resolution No. 15574 initiating proceedings to obtain approval of the 2019 Water Quality and Flood Protection Fee (“Fee”), which is a property related fee conforming to Article XIIID, Section 6 of the California Constitution; and

WHEREAS, on July 16, 2019, the City Council approved the Fee Report for the 2019 Water Quality and Flood Protection Fee (“Fee Report”), which sets forth the basis and the amount of the Water Quality and Flood Protection Fees on various parcels of land to finance, in compliance with Article XIIID of the Constitution, the Water Quality and Flood Protection Fee program needs; and

WHEREAS, on October 1, 2019, the City Council introduced Ordinance No. 3258 establishing Chapter 18, Article IV of the Alameda Municipal Code for the purpose of establishing the Water Quality and Flood Protection Fee and directed a mail ballot proceeding in accordance with Article XIII of the Constitution, Section 53755.5 of the Government Code and Alameda Resolution No. 15575; and

WHEREAS, on December 17, 2019, by its Resolution 15622, the City Council of the City of Alameda found that the Fee was approved by 56.96% of the returned ballots from property owners of the property subject to the fee and thereby ordered that the fees for Fiscal Year 2020-21 be levied at the rates specified in the Fee Report; and

WHEREAS, Sections 18-32.3 through 18-33.3 of the Ordinance allows the City Council to review the fee annually and apply a rate increase based on the change in the CPI and to collect the fees on the property tax roll in the same manner, by the same persons, and at the same time as, the general taxes; and

WHEREAS, provisions of California Health and Safety Code Section 5473.1, require a public hearing to be held each year that the fees are to be collected on the property tax roll and a notice to be published in a local newspaper; and

WHEREAS, the notice of the public hearing was published in a local Alameda paper the weeks of May 16 and 23, 2022 notifying of the following: (a) the reason for the public hearing – Method of Collection; (b) the date, time and place of the public hearing; and (c) a summary of the effect of a majority protest; and

WHEREAS, an annual written report containing a summary of the fees to be charged and a description of the parcels of real property subject to the Fee was filed with City Clerk; and

WHEREAS, a public hearing was held in the City Council Chambers on June 7, 2022; and

WHEREAS, the City Council of the City of Alameda finds and determines as follows:

1. There is a need in the City to continue collecting the 2019 Water Quality and Flood Protection Fee to cover the costs of the Stormwater Program.
2. The facts and evidence presented establish that there is a reasonable relationship between the need for this fee and the impacts for which this fee shall be used, and that there is a reasonable relationship between the fee's use and the properties, which are to be charged this fee. These relationships or nexuses are described in more detail in the above referenced Fee Report; and
3. The change in the Consumer Price Index from December 2020 to December 2021 was 4.24%, which is greater than the maximum of 3%, and
4. The amounts of the fee for each category of property, as set forth below, are reasonable amounts, as such fees are based on the methodology established in the Fee Report, and
5. A majority protest was not formed as defined in Section 5473.2 of the Health and Safety Code with respect to the tax-roll method of collection of the Water Quality and Flood Protection Fee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda as follows:

SECTION 1. Charge. The 2019 Water Quality and Flood Protection Fee shall continue to be charged to each parcel within the City to contribute to the costs of the City's Stormwater Program.

SECTION 2. Use of Revenue. The revenue derived from said Fee shall be used in connection with implementing and enforcing Section 18-31.1 of the Alameda Municipal Code.

SECTION 3. Schedule of Charges. Annual fees for each category of property, which are increased by 3.00% from the prior year, will be assessed and collected as follows:

Land Use Category	Proposed FY 2022-23
Residential *	
Small <i>Under 0.08 ac</i>	\$ 50.13 per parcel
Medium <i>0.08 to 0.14 ac</i>	\$ 81.94 per parcel
Large <i>over 0.14 ac</i>	\$ 89.36 per parcel
Condo - Med Density	\$ 50.13 per parcel
Condo - Hi Density	\$ 25.79 per parcel
<i>Multiple SFR on single parcel pays 16% higher rate</i>	
Non-Residential **	
Apartment	\$ 954.09 per acre
Commercial / Retail / Industrial	\$ 1,138.60 per acre
Office	\$ 803.74 per acre
Church / Institutional	\$ 910.39 per acre
Institutional w/Playfield	\$ 650.53 per acre
Park	\$ 62.78 per acre
Vacant (developed)	\$ 62.78 per acre
Open Space / Agricultural	exempt
* Single-Family Residential category also includes du-tri- and four-plex units	
** Non-SFR parcels size is calculated to a hundredth of an acre	

SECTION 4. Fees Collected with General Taxes. The City Council hereby orders for the collection of Water Quality and Flood Protection fees for Fiscal Year 2022-23 on the tax roll in the same manner, by the same persons and at the same time as, and together with and not separately from, its general taxes.

SECTION 5. Judicial Action to Challenge this Resolution. Any judicial action or proceeding to challenge, review, set aside, void, or annul this resolution shall be brought within 120 days from the date of its adoption.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 7th day of June 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of June 2022.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda