

CITY OF ALAMEDA RESOLUTION NO.

DECLARING THE CITY'S INTENTION TO REVISE THE SEWER SERVICE CHARGE AND ESTABLISH PROCEDURES FOR ACCEPTING PROTESTS PURSUANT TO ARTICLE XIIID, SECTION 6(a) OF THE CALIFORNIA CONSTITUTION REGARDING PROPERTY-RELATED FEES AND CHARGES

WHEREAS, the United States Environmental Protection Agency (EPA) has mandated, pursuant to Final Consent Decree for Case Nos. C09-00186 and 09-05684, that the City undertake an extensive capital improvement program to repair its sewer facilities, including upgrading all of its existing pump and lift- stations, and to improve operations and maintenance protocol; and

WHEREAS, the City desires to protect public and environmental health and safety by minimizing sewer asset failures; and

WHEREAS, the City's primary source of sewer fund revenue is the service charges which are collected annually; and

WHEREAS, the sewer service charges should be adequate to cash fund sewer pipeline replacements and other capital improvements, maintain reasonable and adequate operating and capital reserves, meet or exceed debt coverage requirements and mitigate impacts on the ratepayers; and

WHEREAS, the City Council desires to adjust the sewer service charge to fund necessary sewer expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALAMEDA THAT:

Section 1. The foregoing recitals are all true and correct.

Section 2. The City Council proposes a revision to the sewer service charge at the annual rate (or, according to the schedule) set forth in Exhibit A to this Resolution, which is incorporated herein by reference. It is proposed that the sewer service charge continue to be collected annually in July on the property tax rolls.

Section 3. On April 28, 2015, at 7:00 PM or as soon thereafter as may be practicable in the City Council Chambers located at 2263 Santa Clara Avenue, Alameda, California, the City Council will hold a public hearing pursuant to Article XIIID of the California Constitution and the rules adopt pursuant to Resolution with respect to the proposed revised charge. At this hearing, all interested persons will be permitted to present oral and written testimony with respect to the proposed revised charge.

Section 4. The City Council further directs staff to give notice of the hearing in the manner required by law.

Section 5. The City will accept and tabulate protests against the proposed charge pursuant to the procedures set forth in Exhibit B to this Resolution, which is incorporated herein by reference.

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## Exhibit A

**Table ES-1**  
**Proposed Sewer Service Charges**  
**City of Alameda**  
**Bartle Wells Associates Sewer Financial Plan and Rate Study, October 2014**

Customer Class	FY2015 Current	FY2016 Proposed	FY2017 Proposed	FY2018 Proposed	FY2019 Proposed	FY2020 Proposed
% Increase		3.0%	3.0%	3.0%	3.0%	3.0%
Single Family (\$/month)	\$23.23	\$23.93	\$24.65	\$25.39	\$26.15	\$26.93
Multi-Family (\$/month)	\$20.91	\$21.54	\$22.19	\$22.86	\$23.55	\$24.26
Commercial						
Fixed Charge (\$/month)	\$20.91	\$21.54	\$22.19	\$22.86	\$23.55	\$24.26
(includes first 730 cubic feet)						
Flow-Based Rate (\$ per HCF)	\$2.88	\$2.96	\$3.05	\$3.14	\$3.23	\$3.33

HCF = Hundred cubic feet

## GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS

### **Submission of Protests**

1. Any property owner may submit a written protest to the City Clerk, either by delivery to the office of the City Clerk or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must identify the affected property (by assessor's parcel number or street address) and include the signature of the record property owner. Email protests cannot be accepted. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. If a parcel served by the City is owned by more than a single record owner, each owner may submit a protest, but only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that property.
4. In order to be valid, a protest must bear the original signature of the record owner with respect to the property identified on the protest. Protests not bearing the original signature of a record owner shall not be counted.
5. Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
6. A fee protest proceeding is not an election.
7. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time they are received.

### **Tabulation of Protests**

1. The City Clerk shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:
  - a. The protest does not identify a property served by the City.
  - b. The protest does not bear an original signature of a record owner of the parcel identified on the protest.
  - c. The protest does not state its opposition to the proposed fees.

- d. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
  - e. A valid request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
- 2. The City Clerk's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any internal appeal.
- 3. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of a majority of the properties subject to the proposed fee.
- 4. At the conclusion of the public hearing, the City Clerk shall complete the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the City Clerk may advise the City Council of the absence of a majority protest without determining the validity of all protests.

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 17th day of February, 2015, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 18th day of February, 2015.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern  
City Attorney