

CITY OF ALAMEDA ORDINANCE NO. _____.
New Series

REVISING THE CITY'S SEWER SERVICE CHARGES

WHEREAS, Section 18-4.3 of the Alameda Municipal Code (AMC) and Section 5471 of the California Health & Safety Code permit the City Council of the City of Alameda to set the City's sewer service charges; and

WHEREAS, on May 19, 2015, the City Council held a full and fair public hearing, properly noticed as required by law, at which all persons interested were given an opportunity to provide oral and written testimony with respect to a proposed revision of the City's sewer service charges; and

WHEREAS, the City Council desires to revise the City's sewer service charges.

The City Council of the City of Alameda does ordain as follows:

Section 1. The City Council hereby establishes the schedule set forth in Exhibit A to this Ordinance, which is incorporated herein by reference, as the City's schedule of sewer service charges.

Section 2. The City Council hereby finds and determines that:

- A. The City has complied with each of the requirements of Section 6 of Article XIID of the California Constitution with respect to the actions taken by this Ordinance.
- B. The rates established by this Ordinance do not exceed the amounts permissible under Article XIID for a fee for sewer service, and the sewer service charge is not a tax.
- C. A majority protest, as defined by Section 6(b) of Article XIID of the California Constitution does not exist with respect to the increase of the sewer service charge.

Section 3. The City Council continues its election to collect the sewer service charge on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes pursuant to Section 5473 *et seq.* of the California Health & Safety Code and Section 18-4.4 of the AMC. Staff is directed to take all actions necessary to cause such collection to occur and to request such assistance as is necessary from the County of Alameda.

Section 4. Notwithstanding any provision of the AMC to the contrary, all charge proceeds shall be deposited in the sewer service charge fund and shall be used only for the construction, reconstruction, repair, maintenance, and operation of sewer facilities and appurtenances thereto, to pay for engineering, mapping, describing, analyzing, and

planning regarding the City's sewer facilities and appurtenances thereto; to repay principal and interest on bonds issued for such purposes and to reimburse the City's General Fund for any payment made therefrom, during the same fiscal year; and for any of the purposes for which sewer service charge fund money could be expended. No charge proceeds shall be used for any other purpose.

Section 5. For purposes of Section 18-4.3 of the AMC, this ordinance shall serve the purpose of the resolution described in paragraphs a, b, and c of that section.

Section 6. The City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any word, sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2015 by the following vote:

AYERS:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2015.

Lara Weisiger, City Clerk

Approved as to form:

Janet C. Kern, City Attorney