

CITY OF ALAMEDA RESOLUTION NO. _____

CERTIFYING THE TABULATION RESULTS FOR THE 2019 WATER
QUALITY AND FLOOD PROTECTION FEE INITIATIVE

WHEREAS, on July 16, 2019, the City Council of the City of Alameda adopted Resolution No. 15574 initiating proceedings to obtain approval of the proposed new 2019 Water Quality and Flood Protection Fee ("Fee"), which is a property related fee conforming to Article XIID, Section 6 of the California Constitution; approving the Fee Report dated July 2019 for the 2019 Water Quality and Flood Protection Fee ("Fee Report"); and setting a public hearing before the City Council on October 1, 2019, to consider all property owner protests to the proposed fee; and

WHEREAS, on July 16, 2019, the City Council of the City of Alameda adopted Resolution No. 15575 adopting ballot procedures applicable to the proposed Fee pursuant to Article XIID, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIID of the California Constitution, the City has provided 45-days' written mailed notice to each record owner of parcels of real property subject to the Fee of a public hearing, which was held at a regular meeting of the City Council on October 1, 2019, at 7:00 pm in the City Council Chambers on the issue of whether the proposed property related Fee should be levied and collected as proposed in the Fee Report for Fiscal Year 2020-21; and

WHEREAS, the City Council adopted Resolution No. 15598 finding that a majority protest did not exist, ordering a ballot proceeding to obtain property owner approval for the fee consistent with Resolution 15575, directing the City Manager to vote "yes" on all City-owned parcels, and submitting the Fee Ordinance for voter approval; and

WHEREAS, on October 11, 2019 a ballot and information guide were mailed to every owner or property that would be subject to the proposed Fee; and

WHEREAS, the balloting period for the proposed Fee closed on November 25, 2019 at 6:00 p.m.; and

WHEREAS, the tabulation of the ballots is complete.

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

SECTION 1. Tabulation of the Written Protests. For each valid ballot, each property subject to the proposed fee counted as one vote. Property owners with more than one property could have up to 14 properties listed on a ballot, with each property counting as one vote, resulting in more than one vote for that ballot. Therefore, since some ballots contained more than one vote, the total number of valid votes (8,644) is larger than the total number of valid ballots (7,298). The canvass of the fee ballots submitted by property

owners has been computer-tabulated and certified by the City Clerk, and the votes cast are as follows:

	<u>Ballots</u>	<u>Votes</u>	<u>%</u>
Total Received	7,377	8,743	
Total Valid	7,298	8,644	
Invalid	79	99	
YES	4,290	4,924	56.96%
NO	3,008	3,720	43.04%

SECTION 2. Ballot Return Rate. 7,377 fee ballots were returned and received prior to the close of the balloting period on November 25, 2019. This represents a 40.8% ballot return rate on the 18,078 ballots mailed. Of the fee ballots returned, 79 ballots were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No,” were not signed, or the property ownership and barcode information was illegible.

SECTION 3. Ballots Results. As determined by ballots cast, 56.96% of the votes cast by property owners were in support of the measure. Since a majority protest, as defined by Article XIII D of the California Constitution, did not exist, this Council thereby acquired jurisdiction to order the levy of the 2019 Water Quality and Flood Protection Fee, and the Ordinance adding Article IV to Chapter 18 of the Municipal Code to establish the Water Quality and Flood Protection Fee is hereby adopted.

SECTION 4. Findings. The City Council finds that the 2019 Water Quality and Flood Protection Fee is being implemented in compliance with the requirements of Proposition 218, as codified in Article XIII D of the California Constitution. Based on the oral and documentary evidence, including the 2019 Water Quality and Flood Protection Fee Report, received by the Council, the Council expressly finds and determines that it is in the best interest of the City and the public to order the fee to be levied.

SECTION 5. Ordering of the Levies. The Council hereby orders the fees for fiscal year 2020-21 shall be levied at the rates specified in the 2019 Water Quality and Flood Protection Fee Report.

SECTION 6. CPI. The authorized maximum fee amount to be levied in future fiscal years shall be increased annually based on the San Francisco-Oakland-Hayward Consumer Price Index for All Urban Consumers (CPI), not to exceed 3% per year. The fee amount charged in any year cannot exceed the cost to provide the clean water and storm protection services and improvements.

SECTION 7. Corrections. The 2019 Water Quality and Flood Protection Fee, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order

of the City Council or its designee, Public Works Director, by a determination from the City Council or the Public Works Director that the fee for that parcel should be revised to be consistent with the fee method established in the Fee Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year in which the correction, cancellation or refund was requested.

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 December 2019, 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 18th day of December 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda

Exhibit A: Ordinance No. _____ for the 2019 Water Quality and Flood Protection Fee.