

ORDINANCE NO. 2012-385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ESTABLISHING THE RATE OF THE SEWER SERVICE CHARGE AND SETTING FORTH THE URGENCY THEREFORE

WHEREAS, pursuant to Chapter 10.12 of the Los Altos Municipal Code, the City of Los Altos imposes a Sewer Service Charge upon parcels connected to the sewer system; and

WHEREAS, by Ordinance No. 08-328, the City Council set the rate of the Sewer Service Charge at \$3.03 per unit of estimated sewer use and approved a rate adjustment formula based on the consumer price index; and

WHEREAS, the proceedings at which the Sewer Service Charge rate and rate adjustment formula were approved, complied with the notice, hearing and protest requirements set forth in Article XIII D, Section 6 of the California Constitution; and

WHEREAS, the City Council desires to apply the previously approved rate adjustment formula to the Sewer Service Charge rate.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AFFIRMATION OF RECITALS. Each of the recitals set forth above is true and correct in all respects.

SECTION 2. ADJUSTED RATE. The rate of the Sewer Service Charge imposed by Section 10.12.120 of the Municipal Code is hereby set at \$3.25 per unit of estimated sewer use.

SECTION 3. FINDING. The Sewer Service Charge set by Section 2 of this Ordinance was calculated pursuant to the rate adjustment formula set forth in Section 10.12.230 of the Municipal Code. Consequently, as set forth in Section 7 of Ordinance No. 08-328, the action taken by this Ordinance does not constitute an “increase” of the Sewer Service Charge rate for purposes of Article XIII D, Section 6 of the California Constitution (Proposition 218).

SECTION 4. COLLECTION. The City Council affirms its election, pursuant to Section 5473 of the Health & Safety Code, to collect the Sewer Service Charge on the property tax roll.

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. IMMEDIATE EFFECTIVENESS AND DECLARATION OF FACTS CONSTITUTING URGENCY. Pursuant to Section 36937 of the California Government Code, this Ordinance shall take effect immediately because its passage is required for the immediate preservation of the public peace, health and safety. The facts constituting this urgency are that: (i) the revenues generated by the Sewer Service Charge are needed to pay the usual and current expenses of the City’s sewer enterprise and to ensure the provision of sewer services, and (ii) in

order to ensure that the ratepayers of the City's sewer enterprise pay the full cost of providing services to such customers, it is necessary that this ordinance be effective immediately.

The foregoing ordinance was passed and adopted at a meeting of the City Council of the City of Los Altos on June 12, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Valorie Cook Carpenter, MAYOR

Attest:


Jon Maginot, DEPUTY CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, Deputy City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2012-385, adopted by the Los Altos City Council on June 12, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

I hereby further certify that the ordinance was published in accordance with Government Code Section 36933 on the following date: June 20, 2012. Said ordinance shall be effective immediately.

Dated this 24th day of August, 2012.


Jon Maginot
Deputy City Clerk