

ORDINANCE NO. 2012-386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS ESTABLISHING THE RATE OF THE SEWER SERVICE
CHARGE

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. REPEAL OF URGENCY ORDINANCE. Ordinance No. 2012-385 which contained substantially the same provisions as this Ordinance, is hereby repealed.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on June 12, 2012 and was thereafter, at a regular meeting held on June 26, 2012 passed and adopted 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. 2012-386, adopted by the Los Altos City Council on June 26, 2012 by the following vote:

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

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: June 20, 2012 and July 4, 2012. Said ordinance shall be effective July 27, 2012

Dated this 9th day of July, 2012.


Jon Maginot
Deputy City Clerk