

RESOLUTION NO. 2013-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
PROPOSING A REVISION TO THE CITY'S SEWER SERVICE CHARGES AND
CALLING A PUBLIC HEARING PURSUANT TO ARTICLE XIII D,
SECTION 6(a) OF THE CALIFORNIA CONSTITUTION**

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, the Sewer Service Charge is a property-related fee for sewer service that is subject to the notice, protest and hearing provisions of Article XIII D, Section 6(a) of the California Constitution (Proposition 218); and

WHEREAS, Harris & Associates has prepared a Rate Analysis Report dated May 8, 2013, which is on file in the Office of the City Clerk and incorporated herein by reference, recommending a revision to the Sewer Service Charges in order to enable the City to properly fund the costs of its sewer enterprise; and.

WHEREAS, the City Council desires to initiate the proceedings for the consideration of the proposed rate revision.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos that:

1. The City Council hereby proposes the schedule of Sewer Service Charges set forth in Exhibit "A" to this Resolution
2. The City Council sets July 9, 2013 at 7:00 p.m. at the Community Meeting Chambers located at 1 North San Antonio Road, Los Altos, California as the time and place for a public hearing on the proposed Sewer Service Charges
3. The City Clerk is directed to give notice of this hearing as required by Article XIII D, Section 6(a) of the California Constitution
4. In connection with this hearing, the City will accept and tabulate written protests in the manner set forth in Exhibit "B" to this Resolution

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of May, 2013 by the following vote:

AYES: BRUINS, CARPENTER, PEPPER, SATTERLEE, FISHPAW
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Jarrett Fishpaw, MAYOR

Attest:


Jon Maginot, CITY CLERK

Exhibit "A"

Proposed Rate Schedule

	Fiscal Year				
	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Sewer Base Charge per dwelling unit or non-residential EDU	\$ 209.00	\$ 219.45	\$ 230.42	\$ 244.25	\$ 261.35
Sewer Use Charge per 100 cubic feet	\$ 1.66	\$ 1.74	\$ 1.83	\$ 1.94	\$ 2.07

For non-residential parcels, the Sewer Base Charge shall be calculated based upon the number of equivalent residential dwelling units connected to the City's sanitary sewer system, which will be calculated by dividing the total parcel's estimated annual sewer usage for the calendar year by the estimated average annual sewer usage for single family residential units (110 sewer units). A minimum of 1.0 EDU will be assigned to each non-residential account.

EXHIBIT "B"

GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS (Applicable to Property-Related Fees)

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 writing, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. If a parcel 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 writing requesting 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 subject to the property-related fee.
 - 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 request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.

3. The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.

4. 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.

5. 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 Clerk may advise the City Council of the absence of a majority protest without determining the validity of all protests.