

RESOLUTION NO. 5018

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
STATING ITS INTENTION TO IMPOSE A SANITARY SEWER FEE
EFFECTIVE TAX YEAR 2009-10**

WHEREAS, the quality of our local wastewater system is fundamentally important to our community's health and safety, and

WHEREAS, in recent years, there have been several hazardous spills of raw sewage into the Bay which present a real environmental concern, and

WHEREAS, the City's sewer infrastructure is old, and portions of the 27 miles of pipes in our City have deteriorated, and

WHEREAS, now, like surrounding jurisdictions, the City of Sausalito must make significant capital and infrastructure improvements to our aging sewer system in order to ensure the health and safety of our community, and

WHEREAS, State or Federal funds are being pursued, but will not be sufficient to meet our urgent needs, and

WHEREAS, the City is proposing an equitable rate system that ensures all rate payers share equally in cost of necessary upgrades and their maintenance, and

WHEREAS, the City Council desires to impose a new Sanitary Sewer Fee to fund these necessary expenses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sausalito that:

1. The foregoing recitals are all true and correct.
2. The City Council proposes the imposition of the Sanitary Sewer Fee at the annual rate described in Exhibit "A" to this Resolution, which is incorporated herein by reference. It is proposed that the Sanitary Sewer Fee be collected annually on the property tax roll.
3. On June 16, 2009, at 7:00 PM or as soon thereafter as may be practicable in the City Council Chambers located at 420 Litho Street, Sausalito, CA, the City Council will hold a public hearing pursuant to Section 6(a) of Article XIID of the California Constitution with respect to the proposed Fee. At this hearing, all interested persons will be permitted to present oral and written testimony with respect to the proposed Fee.
4. The City Council further directs staff to give notice of the hearing in the manner required by law.

5. The City will accept and tabulate protests against the proposed Fee pursuant to the procedures set forth in Exhibit "B" to this Resolution, which is incorporated herein by reference.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Sausalito on the 14th day of April, 2009 by the following vote:

AYES:	Councilmembers:	Belser, Kelly, Pfeifer, Weiner and Mayor Leone
NOES:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None
ABSENT:	Councilmembers:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DEPUTY CITY CLERK

EXHIBIT "A"

PROPOSED SANITARY SEWER FEE SCHEDULE

Description	Current FY 2008-09	<u>Projected.</u> FY 2009-10	2010-11	2011-12	2012-13	2013-14
<u>Residential Rates</u> (\$/year-dwelling unit)						
Single-family Dwelling	\$215	\$360	\$422	\$422	\$456	\$492
Single Family Attached	\$167	\$260	\$260	\$280	\$303	\$327
Multi-family Residential	\$167	\$193	\$193	\$209	\$225	\$243
<u>Non-Residential Rates</u> (Allocated Capacity based on Historical Maximum Water Use)						
Commercial (\$/yr-parcel)	\$167	\$242	\$242	\$262	\$282	\$305
Unit Rate (\$/Ccf-annual water use ^a)	\$2.03	\$1.94	\$1.94	\$2.10	\$2.27	\$2.45

- a. The Unit Rate (\$/hundred cubic feet or Ccf) for commercial users is currently based on previous-year water use exceeding an industry standard for water use by business type. The basis for each year's fee in the future will be the maximum use in the previous five years. The goal of both measurements is to estimate the peak demand a business places on sewer system capacity, as the City must be prepared to serve peak demand even if those peaks occur infrequently.

EXHIBIT "B"
CITY OF SAUSALITO SEWER RATES
GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS

Submittal 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 at 420 Litho Street, Sausalito, CA 94965 or by submitting the protest at the public hearing. Please note on the envelope, "Sewer Service Charge Protest." 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 written protest, the City Council welcomes input from the community during the public hearing on the proposed charges.
3. If a parcel served by the City 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 and may not have been altered . 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 request 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 charge protest proceeding is not an election.
7. To ensure secrecy before tabulation, and transparency and accountability thereafter in the charge protest process, protests shall be maintained in confidence from their receipt until counted at the public hearing at which time they shall become disclosable public records.

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 served by the City.
 - 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 charges.
 - d. The protest was not received by the City Clerk before the close of the public hearing on the proposed charges.
 - e. A request to withdraw the protest is received prior to the close of the public hearing on the proposed charges.
 - f. The protest was altered by one other than the record owner who signed it.

2. The City Clerk's decision that a protest is not valid or does not apply to a specific charge shall constitute a final action of the City and shall not be subject to any internal appeal.
3. 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 charge.
4. 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 charge 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.
5. If at the conclusion of the public hearing the city Clerk determines that she will require additional time to tabulate the protests, she shall so advise the city Council, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the City Council shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the City Council shall declare the time at which the meeting shall be resumed to receive and act on the report of the City Clerk.