

**ORDINANCE NO. 1196**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO  
SETTING FEES FOR SEWER SERVICES PROVIDED BY THE CITY  
EFFECTIVE FISCAL YEAR 2009-10**

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**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 and in proportion to the cost of serving each class of customers 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; and

**WHEREAS**, in January 1994 the City Council of the City of Sausalito did duly pass and adopt Ordinance No. 779 adding Chapter 18.12 to the Sausalito Municipal Code and thereby established sewer charges for services and facilities furnished by the City in connection with its sewage disposal system; and

**WHEREAS**, on July 22, 2003 the City Council of the City of Sausalito did duly pass and adopt Ordinance No. 1169 establishing Revenue Program Rates for 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08 effective July 1, 2003; and

**WHEREAS**, on June 10, 2008, recognizing the significant increases in regulatory compliance costs and higher community standards with respect to the quality of water in the Bay that have arisen since the passage of Ordinance No. 1169, the City Council authorized the City Manager to retain a consultant with the specialized training and expertise to prepare a Sanitary Sewer Fee Study Report recommending changes to sewer rates; and

**WHEREAS**, at a Special Meeting of April 14, 2009, the City Council accepted said consultant's report (hereinafter the "Report" incorporated by reference herein) and (in full compliance with the requirements of Section 6 of Article XIID of the California Constitution (a provision of Proposition 218)) adopted Resolution No. 5018 stating the City's intention to implement a Sanitary Sewer Fee effective fiscal year 2009-10 through 2014-15 and establishing the rules for tabulating and maintaining the confidentiality of protests against the fees; and

**WHEREAS**, in full compliance with the requirements promulgated in Section 6 of Article XIID of the California Constitution (a provision of Proposition 218) and Resolution No. 5018, the City has given Notice by mail to each property owner of record as of the last equalized assessment roll informing each recipient of his or her right to submit a written protest against the proposed change in charges and the date, time and place of the Public Hearing; and

**WHEREAS**, at the time, date and place for said Public Hearing the City Council did hear and consider any and all objections or protests to the proposed change in charges.

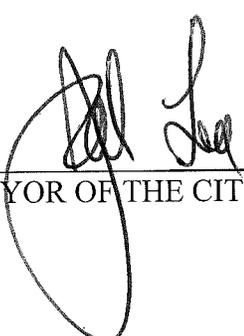
**NOW, THEREFORE**, the City Council of the City of Sausalito does hereby ordain as follows:

1. The City Council finds that protest to the change in charges proposed in the Report has not been made by the owners of a majority of separate parcels of property of record as of the last equalized assessment roll and that a majority protest does not exist within the meaning of Article XIII D, Section 6(a) of the California Constitution.
2. The City Council of the City of Sausalito does hereby overrule all objections or protests to said Report and does hereby adopt the same and does determine that each charge as described in said Report is fair and equitable and is computed in conformity with the charges prescribed by all applicable provisions of State law and the City's Municipal Code.
3. The City Council of the City of Sausalito does hereby adopt the SANITARY SEWER FEE SCHEDULE for 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14, attached hereto as Exhibit "A" and incorporated herein by reference pursuant to all applicable provisions of State law and Section 18.12.020 of the Sausalito Municipal Code.
4. The effective date of the change is July 1, 2009.
5. The City Clerk of the City of Sausalito is hereby directed to file a copy of said SANITARY SEWER FEE SCHEDULE for 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 on or before July 7, 2009, with the Auditor-Controller of the County of Marin, said copy to contain a statement endorsed thereon by the City Clerk over her or his signature that said document has been finally adopted by the City Council of the City of Sausalito. Thereafter, the Auditor-Controller of the County of Marin shall enter the amounts of the charges set forth in said document (and attachments to be prepared under the direction of the Administrative Services Director/Treasurer) against the respective lots of parcels of land as they appear on the current assessment roll, and if the property is not described on the roll, the Auditor-Controller is authorized to enter the description thereon together with the amounts of the charges as shown in said document and attachments.

- 3 The City Council hereby finds that the change in the sewer rates adopted pursuant to this Ordinance is statutorily exempt from the California Environmental Quality Act, California Public Resources Code Section 21000, *et seq.*, ("CEQA") under § 15273 (a)(1), (a)(2), (a)(3) (a)(4) and (a)(5), and the City Clerk, or her or his designee, is directed to cause a Notice of Exemption to be posted in accordance with CEQA.
- 4 This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was first read at a special meeting of the Sausalito City Council on the 16<sup>th</sup> day of June, 2009, and was adopted at a regular meeting of the Sausalito City Council on the 23rd day of June, 2009 by the following vote:

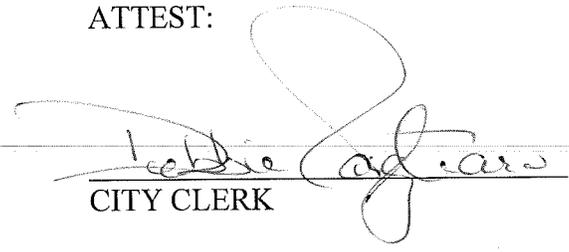
<b>AYES:</b>	Councilmembers:	Belser, Kelly, Pfeifer, Weiner, and Mayor Leone
<b>NOES:</b>	Councilmembers:	None
<b>ABSTAIN:</b>	Councilmembers:	None
<b>ABSENT:</b>	Councilmembers:	None



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MAYOR OF THE CITY OF SAUSALITO

ATTEST:



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CITY CLERK