



## **Staff Report**

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### RESOLUTION OF THE CITY OF BELMONT STATING ITS INTENTION TO REVISE THE CITY'S SEWER CHARGES EFFECTIVE TAX YEAR 2008-09

Honorable Mayor and Council Members:

#### **Summary**

The City Council annually holds a public hearing to revise the City's sewer service charge. This Resolution sets the hearing for May 13, 2008. This Resolution also proposes the rate structure to be considered at the hearing and establishes the rules for tabulating protests against the rates.

#### **Background**

As a matter of policy, the City will give notice of the time and place of the Public Hearing to all property owners and rate payers within the City by causing the publishing of this Resolution once in the local newspapers for two consecutive weeks not less than 10 days before the date of the Public Hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices.

#### **Discussion**

Pursuant to Section 6 of Article XIID of the California Constitution the City must give notice by mail to each property owner of record as of the last equalized assessment roll. A copy of that Notice is attached. Each property owner has the right to submit written protest against the proposed rate increase and may do so by mail or in person to the City Clerk not later than the conclusion of the Public Hearing. At the Public Hearing, the City will consider all protests against the proposed increases to the rates, fees and charges. If written protests against the proposed increases to the rates, fees and charges are presented by a majority of owners of the identified parcels, the City Council may not impose the revised charges. The majority protest would require 4,126 written protests.

#### **General Plan/Vision Statement**

No impact.

#### **Fiscal Impact**

Approval of this action does not establish rates, however, should the City Council implement the rate structure shown in the Notice, the revenue received will match the requirement for fiscal year 2008-09 of \$6,037,754.

**Public Contact**

Posting of City Council agenda.

**Recommendation**

Adopt the Resolution as presented to schedule the public hearing and propose the rate structure.

**Alternatives**

1. Take no action.

**Attachments**

- A. Resolution Scheduling a Public Hearing and Proposing Rate Structure
- B. Exhibit A – Rate Structure
- C. Exhibit B – Rules for Tabulating Protests
- D. Exhibit C – Calendar for the Sewer Rate Increase
- E. Exhibit D – 218 Notice (sample)

Respectfully submitted,

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Thomas Fil  
Finance Director

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Jack R. Crist  
City Manager

**Staff Contact:**

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**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT  
STATING ITS INTENTION TO REVISE THE CITY'S SEWER CHARGES EFFECTIVE  
TAX YEAR 2008-09**

**WHEREAS**, the City of Belmont levies charges for sewer services pursuant to Section 21.93 of the Belmont Municipal Code and pursuant to Section 5470 *et seq.* of the California Health & Safety Code; and,

**WHEREAS**, the City Council desires to conduct proceedings to revise the rate and methodology for the sewer charges, to be effective beginning in the 2008-09 tax year.

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

- Section 1. The foregoing recitals are all true and correct.
- Section 2. The City Council proposes the imposition of the rates and methodology generally described in Exhibit "A" to this Resolution, which is incorporated herein by reference.
- Section 3. On May 13, 2008, at 7:30 PM or as soon thereafter as may be practicable in the City Council Chambers located at One Twin Pines Lane, Belmont, CA, the City Council will hold a public hearing pursuant to Article XIID of the California Constitution with respect to the proposed rates. At this hearing, all interested persons will be permitted to present oral and written testimony with respect to the proposed rates and methodology.
- Section 4. The City Council further directs staff to give notice of the hearing in the manner required by law.
- Section 5. The City will accept and tabulate protests against the proposed rate revision pursuant to the procedures set forth in Exhibit "B" to this Resolution, which is incorporated herein by reference.

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I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on February 26, 2008 by the following vote:

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
CLERK of the City of Belmont

APPROVED:

\_\_\_\_\_  
MAYOR of the City of Belmont