



## **Staff Report**

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PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ACCEPTING THE REPORT OF SEWER TREATMENT FACILITY CHARGES FOR FISCAL YEAR 2011-2012, AND DIRECTING THE FILING OF CHARGES FOR COLLECTION BY THE COUNTY AUDITOR

Honorable Mayor and Members of the City Council:

### **Summary**

At the close of the public hearing, and after consideration of testimony given, it is recommended that the City Council adopt a resolution approving the City's sewer treatment facility charge report and authorizing the County of San Mateo to collect the charge for Fiscal Year 2011-12.

### **Background**

On April 14, 2009, the Council held a protest hearing in compliance with the requirements of Proposition 218. After the Council received testimony from members the public, the city clerk tabulated written protests against the charge and determined that there was no majority protest against the charge.

On April 28, 2009, the Council introduced an ordinance establishing the sewer treatment facility charge and postponed the collection of the charge until Fiscal Year 2011-12.

Based on those rates, the City's consultant team prepared a report on the amount to be charged for each parcel subject to the charge for Fiscal Year 2011-12. Tonight's action will be the final step in the implementation of those rates for Fiscal Year 2011-12.

### **Discussion**

The sewer treatment facility charge, like the Sewer Service Charge, will be collected on the tax roll. This approach requires the City to comply with Section 21-71 of the Belmont Municipal Code and Section 5473 of the California Health & Safety Code. Pursuant to those sections, the City Council must hold a public hearing before approving the rate report for the fiscal year and directing that the charges be submitted to the County for collection. The rate report has been on file and available for public inspection in the Office of the City Clerk. At the conclusion of the public hearing, Council is requested to confirm and approve the report as submitted. Notice of the hearing was mailed to property owners because this will be the first time the charge is collected on the tax roll. In future years, only published notice will be required.

Upon adoption of the attached resolution, the Finance Director will be authorized to transmit the report to the County Auditor and file the necessary documents with the Auditor to insure that the fees will be included on the County Tax Roll for Tax Year 2011-12.

**General Plan/Vision Statement**

No impact.

**Fiscal Impact**

NBS has completed extending the sewer treatment facility charge to each parcel. The total amount to be transmitted to the County Auditor for inclusion on the FY 2011-12 Tax Roll is \$3,109,066.05, which includes \$10,350.45 in County fees for placing the charges on the Tax Roll.

**Public Contact**

The public hearing was legally noticed.

**Recommendation**

Adopt resolution accepting the report of sewer treatment facility charges for Fiscal Year 2011-2012 and direct the filing of charges for collection by the County Auditor.

**Alternatives**

1. With direction, refer to staff for further consideration.

**Attachments**

1. Resolution Accepting the Report of Sewer Treatment Facility Charges for Fiscal Year 2011-2012, and Directing the Filing of Charges for Collection by the County Auditor

Respectfully submitted,

\_\_\_\_\_  
Brooke Lazzari  
Deputy Finance Director

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Thomas Fil  
Finance Director

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Greg D. Scoles  
City Manager

**Staff Contact:**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING THE REPORT OF SEWER TREATMENT FACILITY CHARGES FOR FISCAL YEAR 2011-2012, AND DIRECTING THE FILING OF CHARGES FOR COLLECTION BY THE COUNTY AUDITOR**

**WHEREAS**, on May 12, 2009, by Ordinance No. 1042, the City Council adopted the City’s Sewer Treatment Facility Charge and elected to collect the charge on the property tax roll beginning in Tax Year 2011-12; and,

**WHEREAS**, pursuant to Sections 21-71 and 21-94 of the Belmont Municipal Code and Section 5473 of the California Health & Safety Code, the City Council has received a report of sewer treatment facility charges for Fiscal Year 2011-12, computed in conformity with the rate schedule included in Ordinance No. 1042 (the “Report”); and,

**WHEREAS**, the Report is on file in the Office of the City Clerk and available for public inspection and is incorporated herein by reference; and,

**WHEREAS**, on July 12, 2011, following the publication and mailing of notice as required by law, the City Council held a full and fair public hearing with respect to the Report, and at such hearing the City Council heard and considered all protests and objections to the Report; and,

**WHEREAS**, the City Council desires to approve the Report and to submit the charges described therein to the San Mateo County Auditor for collection on the 2011-12 tax roll;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby overrules all protests and objections to the Report and confirms and approves the Report, and each charge described therein, as submitted; and,

**BE IT FURTHER RESOLVED** that the Finance Director is hereby instructed and authorized to transmit the Report to the County Auditor and to file the necessary documents with the Auditor to ensure that said charges will be included on the County Tax Roll for Tax Year 2011-12.

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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 July 12, 2011 by the following vote:

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

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

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

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

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

APPROVED:

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MAYOR of the City of Belmont