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**RESOLUTION #10 -39**

**A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING AN INCREASE OF TWO DOLLARS PER MONTH FOR EACH OF THE NEXT FIVE YEARS IN SEWER SERVICE CHARGE (\$10 TOTAL INCREASE) FOR ENVIRONMENTAL COMPLIANCE, AND TO CONTINUE THE ANNUAL ADJUSTMENT BASED ON THE CONSUMER PRICE INDEX (CPI)**

**WHEREAS**, the City Sewer Service Charge constitutes the primary revenue to the City of Albany for sewer maintenance and capital improvement projects; and

**WHEREAS**, Section 6 of Article XIII D of California Constitution, enacted by the Proposition 218 Omnibus Implementation Act \_as Section 53750 et. Seq. of the Government Code provides procedures for new, extended or increased fees and charges; and

**WHEREAS**, in May of 2006, the State Water Resources Control Board (SWRCB) issued new Waste Discharge Requirements (WDRs) that require all sanitary sewer collection agencies within the State to implement (over a five year period) a new proactive maintenance, reporting and infrastructure replacement program for the purpose of eliminating Sanitary Sewer Overflows (SSOs); and

**WHEREAS**, the State Regional Water Quality Control Board (SRWQCB) consistent with the intent of the WDRs has included in the City's National Pollution Discharge Elimination System (NPDES) Permit.a requirement for the City to implement a Sewer System Management Plan (SSMP); and

**WHEREAS**, the City staff completed the development of the SSMP in August of 2008 and the City Council approved the SSMP following a public hearing in July of 2009 as required by the SWRCB and RWQCB; and

**WHEREAS**, the United States Environmental Protection Agency (USEPA), in May of 2009 issued an administrative order to the East Bay Municipal Utility District, and to satellite agencies including the City of Albany requiring further reduction of infiltration and inflow into the wastewater collection system; and

1           **WHEREAS**, on July 20, 2009, the City authorized the firm of Bartle Wells Associates,  
2 Independent Public Finance Advisors of Berkeley to prepare a Wastewater Financial Plan and  
3 Rate Review; and

4           **WHEREAS**, the report by Bartle Wells Associates recommends that the sewer service  
5 charge rates be increased in order to implement the requirements mandated by the State and  
6 Regional Water Boards and by the USEPA, respectively; and

7           **WHEREAS**, the required improvements are in addition to those currently be  
8 implemented under the requirements of the City's Sewer Compliance Plan administered under  
9 the Infiltration and Inflow Correction Program (I/ICP) administered under the NPDES Permit  
10 issued by the SRWQCB and

11           **WHEREAS**, the City's sewer compliance and I/I correction permit plan being in  
12 administered under the RWQCB extends through the year 2017; and

13           **WHEREAS**, the City staff report recommends that the sewer service charges for  
14 residential users be increased by two dollars per month for the next five successive years, plus  
15 the previously authorized increase in the Consumer Price Index, and that the sewer service  
16 charge rates for other land use be increased proportionately; and

17           **WHEREAS**, on May 17, 2007, the Council considered the reports by Bartle Wells  
18 Associates and by City staff and thereafter directed the City Clerk to provide written notice by  
19 mail to the record owner of each affected parcel indicating amount, basis, reason and time of a  
20 public hearing and procedures for filing written protests to the proposed increase; and

21           **WHEREAS**, notice of the hearing has been mailed to each property owner no less than  
22 45 days prior to the date of the hearing on the proposed increase.

23           **WHEREAS**, the Council has conducted a public hearing on the proposed  
24 increase in the sewer service charge on July 19, 2010 in the City Council Chambers  
25 whereupon all interested persons have been afforded an opportunity to speak on the  
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1 matter of the proposed increase. Written protests to the proposed increase have been  
2 received until the conclusion of the hearing.

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4 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**  
5 **RESOLVE THAT:**

- 6 1. The Wastewater Financial Plan and Rate Review prepared by Bartle Wells  
7 Associates dated May 2010 and the report by City Staff are hereby accepted  
8 and approved for the purpose of establishing the basis for the increase in the  
9 sewer service charge rates.
- 10  
11 2. A majority protest with respect to the proposed increase in sewer  
12 service charges does not exist.
- 13  
14 3. Sewer service charge rates for residential use are hereby increased in  
15 the amount of two dollars per month in each of next successive five  
16 years (\$10 total per month) and rates shall also continue to be increased  
17 annually by the average annual increase in the Consumer Price Index,  
18 all urban, San Francisco-Oakland-San Jose region, (CPI) for the  
19 previous calendar year, and that sewer service charge rates for non-  
20 residential land use are increased in proportion to the increase for  
21 residential land use.  
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Mayor Joanne Wile  
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