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

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

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

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

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

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

WHEREAS, on May 17, 2007, the Council considered the reports by Bartle Wells

Associates and by City staff and thereafter directed the City Clerk to provide written notice by
mail to the record owner of each affected parcel indicating amount, basis, reason and time of a
public hearing and procedures for filing written protests to the proposed increase; and

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

WHEREAS, the Council has conducted a public hearing on the proposed increase in the sewer service charge on July 19, 2010 in the City Council Chambers whereupon all interested persons have been afforded an opportunity to speak on the

matter of the proposed increase. Written protests to the proposed increase have been received until the conclusion of the hearing.

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

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

Vice- Mayor Joanne Wile



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR PH. (510) 528-5710 FAX (510) 528-5797	RESOLUTION NO.2010-39			
CITY ATTORNEY PH. (510) 524-9205 FAX (510) 526-9190	PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,			
CITY CLERK PH. (510) 528-5720 FAX (510) 528-5797	thisday of			
CITY COUNCIL PH. (510) 528-5720 FAX (510) 528-5797	AYES: Council Members Atkinson, Lieber, Thomsen, Vice-Mayor Javandel & Mayor Wile			
COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES • Building • Engineering • Environmental Resources • Maintenance	NOES: None			
• Planning PH. (510) 528-5760 AX (510) 524-9359	ABSENT: None			
INANCE & ADMINISTRATIVE IERVICES ITY TREASURER PH. (510) 528-5730 AX (510) 528-2743	WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 20th			
IRE & EMERGENCY MEDICAL ERVICES H. (510) 528-5771 AX (510) 528-5774	day of <u>July</u> , 20 10.			

PH. (510) 525-7300 FAX (510) 525-1360 RECREATION & COMMUNITY SERVICES

PERSONNEL PH. (510) 528-5714 FAX (510) 528-5797

POLICE

1249 Marin Avenue PH. (510) 524-9283

FAX (510) 528-8914
• Friendship Club/
Childcare Program
PH. (510) 524-0135

• Senior Center PH. (510) 524-9122 FAX (510) 524-8940

Teen Center
 PH. (510) 525-0576

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RESOLUTION NO. 2010-40

A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING THE YEARLY TAX RATE FOR THE PENSION PLANS OF THE CITY OF ALBANY SUBMITTED AND APPROVED BY THE ALBANY CITY COUNCIL IN ACCORDANCE WITH ASSEMBLY BILL 377 AND ASSEMBLY BILL 13, THE TAX RATE ADOPTED IS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011.

The Albany City Council does resolve, as follows:

Listed below is the tax rate (expressed as a percentage of full value), which has been calculated by estimating the revenue and tax amounts required to be raised by property taxes to meet certain City pension obligations. These commitments were created by Chapter IX, Section 9.01(1) of the City Charter, approved by the voters on January 13, 1949 and amended by the voters on June 15, 1966; August 16, 1967 and February 4, 1971; and Chapter IV, Section 4.10 of the City Charter, approved by the voters on June 15, 1966.

In accordance with these Charter sections, the figure listed below is hereby adopted as the annual tax rate for fiscal year 2010-11. The amounts set forth are appropriate in accordance with Assembly Bills 377 and 13. The City of Albany passed the same tax rate in fiscal years 1982-83 through 2009-2010.

Fund

Rate

Pension Fund

0.0993% of full value

Janiel June JOANNE WILE MAYOR. VICLE



City of Albany

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CITY COUNCIL

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COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

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- · Engineering
- · Environmental Resources
- Maintenance
- Planning

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FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER

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FIRE & EMERGENCY MEDICAL SERVICES

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 FAX (510) 524-8940
- Teen Center PH. (510) 525-0576

RESOLUTION NO. 2010-40

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this <u>19th</u> day of <u>July</u> ,2010, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Vice-Mayor Javandel, & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this _____20th

day of <u>July</u>, 2010

JACQUELINE L. BUCHOLZ, CMC CITY CLERK