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RESOLUTION #2017-69

A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING AN INCREASE BY THE ANNUAL CONSUMER PRICE INDEX (CPI) FOR EACH OF THE NEXT FIVE YEARS IN SEWER SERVICE CHARGE)

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 2009 report by Bartle Wells Associates recommends that the sewer
5 service charge rates be increased in order to implement the requirements mandated by the State
6 and Regional Water Boards and by the USEPA, respectively; and

7 **WHEREAS**, on June 9, 2017 Bartle Wells Associates updated the analysis of the
8 sewer service charge rates and recommended they be increased in order to implement the
9 requirements mandated by the State and Regional Water Boards and by the USEPA,
10 respectively; and

11 **WHEREAS**, the City staff report recommends that the sewer service charges for
12 residential users be the increase in the Consumer Price Index, and that the sewer service charge
13 rates for other land use be increased proportionately for the next five years; and

14 **WHEREAS**, on June 5, 2017, the Council directed the City Clerk to provide written
15 notice by mail to the record owner of each affected parcel indicating amount, basis, reason and
16 time of a public hearing and procedures for filing written protests to the proposed increase; and

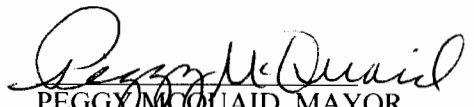
17 **WHEREAS**, notice of the hearing has been mailed to each property owner no less than
18 45 days prior to the date of the hearing on the proposed increase.

19 **WHEREAS**, the Council has conducted a public hearing on the proposed
20 increase in the sewer service charge on July 31, 2017 in the City Council Chambers
21 whereupon all interested persons have been afforded an opportunity to speak on the
22 matter of the proposed increase. Written protests to the proposed increase have been
23 received until the conclusion of the hearing.
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**NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY
RESOLVE THAT:**

1. The Sewer Rate Memorandum prepared by Bartle Wells Associates dated June 2017 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 one dollar and thirty four cents (\$1.34) per month and rates shall also continue to be increased annually through 2022 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.


PEGGY MCQUAID, MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2017-69

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

The 31st day of July, 2017, by the following votes:

AYES: Council Members Maass, Nason, Pilch and Mayor McQuaid

NOES: none

ABSENT: Council Member Barnes

ABSTAINED: none

RECUSED: none

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

1st day of August, 2017.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK