

RESOLUTION NO. 10-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA STATING ITS INTENTION TO HOLD A PUBLIC HEARING AND CONSIDER UPDATING THE CITY'S SEWER CHARGES BEGINNING TAX YEAR 2022-2027

WHEREAS, the City of Pacifica levies charges for sewer services pursuant to Chapter 6 of Title 6 of the Pacifica Municipal Code and pursuant to Section 5470 *et seq.* of the California Health & Safety Code; and

WHEREAS, the City periodically reviews the rate of such charges to determine that the charges will fully fund the City's sewer enterprise and proportionately and fairly allocate the costs of providing sewer service; and

WHEREAS, the City has determined that rate revisions will be required in order to maintain the required level of funding; and

WHEREAS, the City Council desires to initiate proceedings, pursuant to Proposition 218 to revise the charges that will be effective beginning in the 2022-2023 tax year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFICA THAT:

Section 1. The foregoing recitals are all true and correct.

Section 2. The City Council proposes to schedule a public hearing to consider the imposition of the rate structure shown in Exhibit "A" to this Resolution, which is incorporated herein by reference.

Section 3. The City Council directs staff to schedule a public hearing at which all interested persons shall be permitted to present oral and written testimony with respect to the proposed rate revision. The City Council further directs staff to give notice of the hearing in the manner required by law. 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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PASSED AND ADOPTED at a special meeting of the City Council of the City of Pacifica, California, held on the 15th day of February 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstycck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a


Mary Bier (Feb 24, 2022 11:58 PST)


Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT "A"

PROPOSED NEW RATE SCHEDULE

I. Consumption-Based Charge

Annual sewer charges shall be based upon water consumption that is in conformity with the rate measurement formulas set forth in this article and shall be charged at \$19.47221 per 100 cubic feet of water consumption, effective July 1, 2022; \$20.15374 per 100 cubic feet of water consumption, effective July 1, 2023; \$20.85912 per 100 cubic feet of water consumption, effective July 1, 2024; \$21.58919 per 100 cubic feet of water consumption, effective July 1, 2025; and \$22.34481 per 100 cubic feet of water consumption, effective July 1, 2026.

II. Minimum Rate

Regardless of use, the minimum rate for any user shall be \$934.67 per year for FY 2022-23. The \$934.67 minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30, 2023.

Regardless of use, the minimum rate for any user shall be \$967.38 per year for FY 2023-24. The \$967.38 minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30, 2024.

Regardless of use, the minimum rate for any user shall be \$1,001.24 per year for FY 2024-25. The \$1,001.24 minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30, 2025.

Regardless of use, the minimum rate for any user shall be \$1,036.28 per year for FY 2025-26. The \$1,036.28 minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30, 2026.

Regardless of use, the minimum rate for any user shall be \$1,072.55 per year for FY 2026-27. The \$1,072.55 minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30, 2027.

Other than those mentioned above, no other changes are proposed to existing rates, rate calculation methodologies, or rate application methodologies.

EXHIBIT "B"

GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS

Submission of Protests

1. Any property owner or customer of record may submit a written protest to the City Clerk, either by delivery to the office of the City Clerk or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must identify the affected property (by assessor's parcel number or street address) and include the original signature of the property owner or customer of record. Email protests cannot be accepted. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. Only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that property.
4. In order to be valid a protest must bear the original signature of the property owner with respect to the property identified on the protest or the customer of record for that parcel. Protests not bearing the original signature of a property owner or customer of record shall not be counted.
5. Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the property owner or record customer who submitted both the protest and the request that it be withdrawn.
6. A fee protest proceeding is not an election.
7. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time they are received.

Tabulation of Protests.

1. The City Clerk shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:
 - a. The protest does not identify a property served by the City.
 - b. The protest does not bear an original signature of the property owner of the parcel identified on the protest or the customer of record for that parcel.
 - c. The protest does not state its opposition to the proposed fees.
 - d. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
 - e. A request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
3. The City Clerk's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any internal appeal.
4. A majority protest exists if written protests are timely submitted and not withdrawn by the property owners of, or customers with respect to, a majority of the properties subject to the proposed fee.

5. At the conclusion of the public hearing, the City Clerk shall complete the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the Clerk may advise the City Council of the absence of a majority protest without determining the validity of all protests.









For Signature - ResolutionNo10-2022_IntentTo HoldPublicHearing-SewerServiceCharges

Final Audit Report

2022-02-24

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