

RESOLUTION NO. 06-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REGARDING THE PUBLIC HEARING CONCERNING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS WHICH AMENDED SECTION 10.12.480 OF THE LOS ALTOS MUNICIPAL CODE AND REVISED THE CITY'S 2006-2007 SEWER SYSTEM RATE SCHEDULE AND OVERRULING THE PROTESTS RECEIVED THEREON.

WHEREAS, on August 29, 2006, the City Council adopted Resolution No. 2006-23 ("Resolution"), which declared its intention to conduct at least one public hearing concerning an Ordinance of the City of Los Altos which amended Section 10.12.480 of the Los Altos Municipal Code and revised its sanitary sewer system rate schedule; and

WHEREAS, said Resolution directed the City Public Works Director, pursuant to California Constitution article XIID section 6(a), to give at least forty-five days' (45) notice of the time and place of the public hearing by mailing notice of such hearing, postage prepaid, to all owners of property subject to the City's sanitary sewer system rate schedule ("Mailed Notice"); by causing the publication of the Resolution in a local newspaper; and, by posting a copy of the Resolution and said Mailed Notice on the official bulletin board customarily used by the City Council for the posting of notices, which shall be completed not less than once a week for two (2) successive weeks prior to such hearing; and

WHEREAS, on September 6, 2006, the Mailed Notice was sent to all owners of property subject to the City's sanitary sewer system rate schedule. Said Mailed Notice stated that a public hearing on this matter would be held by the City Council on November 14, 2006, at 7:00 p.m., in the City Council chambers, Los Altos City Hall, located at One North San Antonio Road, California, at which hearing the City Council would hear any and all protests in relation to an Ordinance of the City Council of the City of Los Altos which amended Section 10.12.480 of the Los Altos Municipal Code and revised the City's sanitary sewer system rate schedule and act upon any and all protests and objections; and

WHEREAS, all owners of property subject to the City's sanitary sewer system rate schedule were thus properly notified and given the opportunity to file with the City Clerk written protests at any time prior to the close of the public hearing; and

WHEREAS, on November 14, 2006, the City Council held a duly noticed public hearing, at which hearing the City Council considered all testimony and evidence, including any written protests previously submitted, and all persons desiring to submit written or oral testimony regarding the City's sanitary sewer system rate schedule or otherwise desiring to be heard on the matter.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. On September 6, 2006, the City sent 11, 344 Mailed Notices to all of the owners of property subject to the City's sanitary sewer system rate schedule. By the close of the public hearing on November 14, 2006, the City received a total of 556 written and oral protests; therefore, the property owners of a more than a majority of the owners of the parcels subject to the City's sanitary sewer rate schedule did not, at or prior to the time fixed for said hearing or during said hearing, file written protests against any said sewer rates.

2. All protests and objections of any kind, be they written or oral, are hereby overruled.

3. The City's 2006/2007 sanitary sewer system rate schedule as adopted by Ordinance No. 06-291 attached hereto as "Exhibit A" and incorporated herein by this reference, hereby remains in effect.

I HEREBY CERTIFY that the forgoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a regular meeting thereof held on the 28^h day of November, 2006, by the following vote:

AYES: PACKARD, CARPENTER, CASAS, BECKER, COLE

NOES: NONE

ABSENT: NONE

APPROVED:



Robert C. Cole, MAYOR

ATTEST:



Susan Kitchens, CITY CLERK

ORDINANCE NO. 06- 291**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING SECTION 10.12.480 OF THE LOS ALTOS MUNICIPAL CODE
TO REVISE SEWER SYSTEM RATE SCHEDULE**

The City Council of the City of Los Altos does hereby ordain as follows:

Section 1. **Amendment of Code.** Section 10.12.480 of the Los Altos Municipal Code is hereby amended to read as follows:

“Sec. 10.12.480 Rate schedule.

Type of Connection	Schedule of Charges	
	Units of Service	Monthly Charges
Residence	1.00	\$23.75
Apartment house	1.00	23.75 for each apartment
Duplex	2.00	47.50
Barber shop	1.84	43.70
Beauty shop	1.84	43.70
Business office	1.84	\$43.70 plus \$21.85 for each toilet/urinal over one
Bakery	1.84	43.70
Church	1.00	23.75
Cocktail lounge/Bar	2.68	63.65
Day Care/Nursery School	1.00	23.75 for each 26 students in average daily attendance
Drugstore	2.68	63.65
Fire department	3.00	71.25
Garage, sales	1.84	43.70
Garage, service	3.00	71.25
Grocery	1.84	43.70 plus 21.85 for each five employees after the first five
Hospital, animal	2.68	63.65

Laundry/Laundromat/Dry Cleaner	4.00	95.00
Library	1.00	23.75
Lodge	1.84	43.70
Lumber	1.84	43.70
Mortuary	3.60	85.50
Motel/Hotel	1.00	23.75 plus 23.75 for each unit up to 80% of the total number of units, plus restaurant or cocktail lounge/bar charge, if applicable
Nursery	1.84	43.70
Post office	2.68	63.65
Poultry, meat sales	1.84	43.70
Poultry meat processing	2.68	63.65
Retreat House	1.00	23.75 for each three and one half resident occupants plus 23.75 for each unit times average daily retreatant occupancy rate plus restaurant charge based on average daily retreatant occupancy
Recreation facility within condominium or apartment complex	2.00	47.50
Rest home	2.68	63.65 plus 23.75 for each three and one-half residential occupants over seven, and 23.75 for each 10 employees over 10
Restaurant	2.16	51.30 plus 12.85 for each twenty seats after the first twenty
Retail store	1.84	43.70 plus 21.85 for each five employees after the first five
School: Elementary and junior high without gym	1.00	23.75 for each 26 students in average daily attendance

and/or cafeteria

Junior high with gym and/or Cafeteria	1.00	23.75 for each 20 students in average daily attendance
High school	1.00	23.75 for each 15 students in average daily attendance
Junior college	1.00	23.75 for each 10 students in average daily attendance
Boarding schools	1.00	23.75 for each three and one-half resident students in average daily attendance, plus 23.75 for each 10 nonresident students in average daily attendance
Service station/Gas Station	4.00	95.00
Theater	3.60	85.50

The rate schedule for connections not within city limits is prescribed as follows: Sewer service charges for connections to property located outside the city limits, except those located within the Town of Los Altos Hills, shall be at a monthly rate of forty dollars and forty cents (\$40.40) per unit of service as specified under the schedule of charges set forth in this section. Sewer service charges for the Town of Los Altos Hills shall be set by resolution of the City Council.

A current copy of this schedule of charges shall be kept on file in the office of the city clerk and shall be open to inspection by the public."

Section 2. **Continuing Effect of Chapter 10.12.** Except as amended by this ordinance revising the rate schedule as set out in Section 10.12.480, all other provisions of Chapter 10.12 of the Los Altos Municipal Code continue to remain in effect.

Section 3: **Severability Clause.** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 4. This ordinance shall take effect upon the commencement of the thirty-first day following the date of its passage and adoption.

Section 5. This ordinance shall be published as provided in Government Code section 36933.

