

RESOLUTION NO. 07-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA DECLARING THE INTENTION OF THE CITY TO ESTABLISH SEWER SERVICE FEES FOR PROJECT AREA 3A AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING DATE FOR THE PURPOSE OF ESTABLISHING SUCH FEES

WHEREAS, the City has constructed or will complete the construction of new sewers for an area within the City boundaries commonly known as Project Area 3A (“Area 3A”), as part of the City’s Sewer Assessment District No. 04-1 (Project Areas 3A and 3B), approved by property owners within the assessment district’s boundaries by an assessment ballot protest proceeding and formed by the City Council of the City on June 14, 2004; and

WHEREAS, the City entered into an agreement with the Crescenta Valley Water District (the “District”) to convey wastewater from Area 3A (the “Area 3A Wastewater”) to the sewer transportation and treatment facilities of the City of Los Angeles (“Los Angeles”). As consideration for the use of the District’s facilities for conveyance of the Area 3A Wastewater, the City agreed to pay the District an initial capacity charge, an annual capacity charge, and a share of the District’s annual operation and maintenance expenses (the “District Fees”); and

WHEREAS, the City entered into a separate agreement with Los Angeles for the treatment and disposal of the Area 3A Wastewater conveyed through the District’s facilities. Pursuant to the agreement with Los Angeles, as consideration for the treatment and disposal of the Area 3A Wastewater, the City agreed to pay a proportionate share of Los Angeles’ annual operations and maintenance expenses for its sewerage system (the “LA Fees”); and

WHEREAS, the City is considering the establishment and imposition of sewer service Fees (“Service Fees”) to be imposed on properties within the Area 3A connecting to the City’s wastewater system (the “System”) in order recover the City’s annual operation and maintenance costs, capital costs, District Fees, LA Fees, and any other costs and expenses incurred by the City as a result of owning, operating, and maintaining the System (collectively the “Costs and Expenses”); and

WHEREAS, the City has evaluated the Costs and Expenses and determined a rate structure for the Service Fees;

WHEREAS, the revenues derived from the proposed Service Fees will not exceed the costs to provide the sewer services and shall be used exclusively for the System; and

WHEREAS, the amount of the proposed Service Fees will not exceed the proportional cost of the service attributable to each parcel upon which it is proposed for imposition; and

WHEREAS, the proposed Service Fees will not be imposed on a parcel unless the sewer services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, Article XIII D, section 6 of the California Constitution ("Article XIII D") requires that prior to imposing a new sewer services fee or charge, a public agency shall provide written notice (the "Notice") by mail of the proposed fee or charge to the record owner of each parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed on each of parcel, the basis upon which the fee or charge was calculated, the reason for the fee or charge, and the date, time and location of a public hearing on the proposed fee or charge; and

WHEREAS, pursuant to Article XIII D such Notice shall be provided to the affected property owners not less than forty-five days prior to the public hearing on the proposed fee or charge;

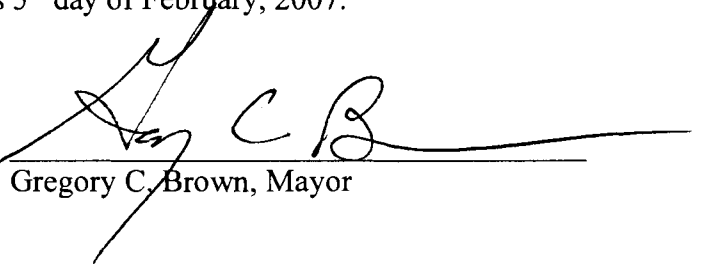
WHEREAS, at the public hearing the public agency shall consider all protests against the proposed fee or charge; and

WHEREAS, the City Council desires to establish and impose the proposed Service Fees and to set a time and place for hearing protests to the establishment and imposition of the proposed Service Fees;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of La Cañada Flintridge as follows:

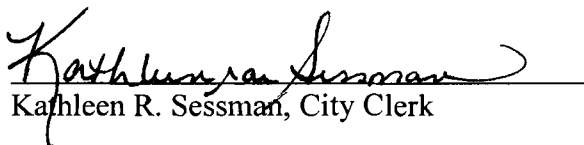
1. The foregoing Recitals are true and correct.
2. The time of 7:00 p.m., on April 2, 2007, in the City Council Chambers of the City of La Cañada Flintridge at 1327 Foothill Boulevard, La Cañada Flintridge, California is established as the time and place for hearing protests to the establishment and imposition of the proposed Service Fees.
3. The City Manager is hereby authorized and directed to prepare the Notice for the proposed Service Fees as required by Article XIII D.
4. The City Clerk is hereby directed to give notice of the public hearing at least forty-five days before the date set forth for hearing protests by mailing or causing to be mailed the Notice to the record owner of each identified parcel upon which the Service Fees are proposed for imposition.

PASSED, APPROVED and ADOPTED this 5th day of February, 2007.



Gregory C. Brown, Mayor

ATTEST:



Kathleen R. Sessman, City Clerk

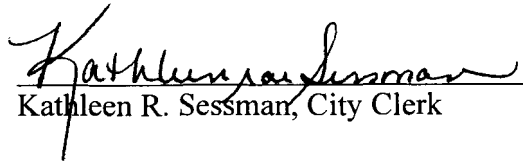
(SEAL)

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Kathleen R. Sessman, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-04 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 5th day of February, 2007, by the following vote:

AYES: COUNCILMEMBERS: Del Guercio, Voss, Spence, Brown
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Olhasso

Dated: February 6, 2007


Kathleen R. Sessman, City Clerk