

RESOLUTION NO. 5055

A RESOLUTION RELATING TO SEWER RATES AND CLARIFYING RESOLUTION NO. 4329.

WHEREAS, Albany's sanitary sewer rates are structured around both fixed and variable charge components; and

WHEREAS, the fixed charge component of rates is intended to provide a measure of rate stability by allocating a portion of the overall cost of running the sanitary sewer among the entire base of users within each class; and

WHEREAS, the concept of "users" within each class is intended to include each person or family unit that utilizes the sanitary sewer on the basis of a property right including, but not limited to, a lease, rental agreement, or ownership interest; and

WHEREAS, some premises are occupied utilizing separate leases, rental agreements, or other distinct property rights, and the occupants of these premises should be deemed separate users for purposes of the fixed rate charge; and

WHEREAS, within the residential rate category, the current sewer rate resolution (Resolution No. 4329) attached as Exhibit "A" a rate schedule which provides that, "duplexes and other multi-family units will be charged a monthly fixed charge for each dwelling unit."; and

WHEREAS, the term "dwelling unit" is not specifically defined and questions have arisen concerning whether City staff is correctly following the Council's intent with regard to the application of the fixed charge component to "quad" apartment complexes wherein four distinct rental units share, to varying degrees, cooking, dining, and bathroom facilities; and

WHEREAS, the City has been correctly determining the method by which the fixed charge component should be applied to "quad" and "quint" apartments; and

WHEREAS, the Council, by this Resolution, desires to affirm prior City practice but also provide rate relief in the case of "quad" or "quints" apartments which do not provide complete bathroom and lavatory facilities for the occupant of each bedroom.

NOW, THEREFORE, BE IT RESOLVED, by the Albany City Council that for purposes of clarifying sewer fixed charges, "dwelling unit" as that term is applied to duplexes and other multi-family units shall be defined as any place of human habitation designed for occupancy based upon separate leases, rental agreements, or other written instruments. Current rental practices will not be dispositive of the question of how a dwelling is "designed" for occupancy.

BE IT FURTHER RESOLVED, that the Albany City Council ratifies and affirms the City's past practice of charging a separate fixed charge component for each bedroom of a "quad" or "quint" type apartment so long as each such bedroom is designed for occupancy by virtue of a separate lease, rental agreement or other written instrument.

BE IT FURTHER RESOLVED, by the Albany City Council, that Resolution No. 4329 shall hereby be modified such that the number of fixed charge components of the monthly sewer bill for a "quad" or "quint" apartment shall not exceed the number of toilets available for the discharge of human waste into the City's sanitary sewer system. By way of illustration, a "quad" unit which has four bedrooms (each of which is designed for occupancy based on a separate lease, rental agreement, or other written instrument) and which has two toilets to be shared among the occupants of the "quad", shall have the fixed charge component of the bill capped at two fixed charge components. If a similar "quad" had four toilets, the

fixed charged portion of its bill would be four fixed charge components. If a similar quad had five or more toilets available for occupants use, it would still only be charged four fixed charge components because it contains four habitable bedrooms (each of which is designed for occupancy based on a separate lease, rental agreement, or other written instrument).

BE IT FURTHER RESOLVED, that the change in sewer rate computation set forth above shall be prospective only.

BE IT FURTHER RESOLVED, that City Staff is directed to report to the City Council during calendar year 2005, at such specific date as may be convenient, concerning the sewer rate revenue being received from the residential class of rate payers and report to the Council further concerning the extent to which further modifications of the sanitary sewer rate structure should be undertaken.

DATED AND EFFECTIVE THIS 18th DAY OF OCTOBER 2004.



Mayor

ATTEST:



City Clerk