

RESOLUTION NO. 4920

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; and

WHEREAS, some users have a property right that allows them to occupy premises, and these persons should be deemed separate users for purposes of the fixed rate charge; and

WHEREAS, within the commercial rate category, the current sewer rate resolution (Resolution No. 4329) has a heading, "Customer Classification." This heading provides, among other things, that ". . . For commercial customers where a single water meter serves a building with multiple commercial uses, the monthly fixed charge will be based on the number of commercial units being served by the sewer service;" and

WHEREAS, the rate classification language referred to above envisions that there is a subclass of commercial customers who, in turn, lease, rent or otherwise provide a property right to sub-users who occupy their premises. The current sewer rate resolution (Resolution No. 4329) intends that each of these sub-users have allocated to them a multiple representing a separate fixed rate charge.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that for the purpose of clarifying sewer fixed charges "commercial unit" shall be defined as "each portion of a commercial use that has plumbing fixtures connected to the sanitary sewer system and which is designated for occupancy based upon a property right." "Property right for purposes of this definition includes ownership, a leasehold interest, or any contractually-based right to occupancy of 12 or more hours in any 24-hour period."

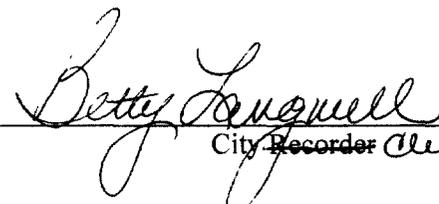
BE IT FURTHER RESOLVED that Resolution No. **4329** shall be interpreted to be consistent with this clarification.

DATED THIS 22nd DAY OF DECEMBER 2003.



Mayor

ATTEST:



City Recorder Clerk