

2.17 Set a Public Hearing for the Fiscal Year 2024-2025 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation:

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;

(b) Direct the Director of Finance to file the Fiscal Year 2024-2025 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2024, instead of July 5, 2024; and

(c) Direct the City Clerk to publish notice of the filing of the Director of Finance Reports, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Rick Bruneau

SUBJECT: SEE BELOW

DATE: May 28, 2024

Approved

Date

6/7/24

**SUBJECT: SET A PUBLIC HEARING FOR THE FISCAL YEAR 2024-2025
SANITARY SEWER SERVICE AND USE CHARGE AND STORM
SEWER SERVICE CHARGE ASSESSMENTS**

RECOMMENDATION

Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2024-2025 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2024, instead of July 5, 2024; and
- (c) Direct the City Clerk to publish notice of the filing of the Director of Finance Reports, and the time and place of the Public Hearing.

SUMMARY AND OUTCOME

Adoption of the proposed resolution will facilitate the scheduling and public notification of a public hearing to be conducted by the City Council on Tuesday, August 13, 2024, whereby the Sanitary Sewer Service and Use Charge (SSSUC) and Storm Sewer Service Charge (SSSC) assessments may be approved for placement on the 2024-2025 Annual Santa Clara County (County) Secured Property Tax Roll, and allow additional time necessary to provide the most complete and current listing for compiling the 2024-2025 SSSUC report to be approved.

BACKGROUND

Section 15.12.550 of the San José Municipal Code requires the Director of Finance to file a written report with the City Clerk on or before the fifth day of July of each year, or such other date or dates as the City Council may specify by resolution, regarding the assessment of annual SSSUC. Section 15.16.1410 of the San José Municipal Code requires the Director of Finance to file a written report each year with the City Clerk, at least 15 days in advance of the public hearing on the assessment of annual SSSC. These reports provide a list of all parcels located within the City subject to SSSUC and SSSC, including the annual service and use charges to be placed on the County Secured Property Tax Roll for the respective fiscal year. Sections 15.12.550 and 15.16.1430 of the San José Municipal Code require the City Clerk to cause notice of the filing of the Director's reports, and the time and place of the public hearing on the assessments to be published in a newspaper of general circulation within the City.

ANALYSIS

Staff recommends the filing date for the SSSUC assessment report be moved from July 5, 2024 to July 15, 2024, to accommodate the City Customer Information System billing process and to allow staff additional time to prepare the most complete and current SSSUC listing. The SSSC assessment report will also be filed on or about July 15, 2024, prior to publication by the City Clerk.

The Finance Department requests that the public hearing regarding the placement of the 2024-2025 SSSUC and SSSC assessments on the County Secured Property Tax Roll be set for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard. The final report of the 2024-2025 SSSUC and SSSC assessments is due to the County Tax Assessor no later than August 23, 2024, to ensure placement on the 2024-2025 County Secured Property Tax Roll.

EVALUATION AND FOLLOW-UP

The Director of Finance will file both the Fiscal Year 2024-2025 annual SSSUC and SSSC reports with the City Clerk on or before July 15, 2024. The Finance Department will prepare a memorandum for the August 13, 2024 City Council meeting recommending City Council conduct a public hearing and approve the Fiscal Year 2024-2025 annual SSSUC and SSSC assessments, as presented in the reports for purpose of placement on the 2024-2025 annual County Secured Property Tax Roll, with any modifications City Council may make based on public testimony heard on August 13, 2024.

COST SUMMARY/IMPLICATIONS

This action will result in the placement of approximately \$230 million of SSSUC and SSSC assessments on the 2024-2025 County Secured Property Tax Roll. The annual SSSUC and SSSC

HONORABLE MAYOR AND CITY COUNCIL

May 28, 2024

Subject: Set a Public Hearing for the Fiscal Year 2024-2025 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments

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reports of the Director of Finance will be published on or before July 15, 2024 and include a more precise revenue estimate.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office, City Manager's Budget Office, and Environmental Services Department.

PUBLIC OUTREACH

The City Clerk will publish a notice regarding the filing of the reports, and the time and place of the public hearing, as required by Sections 15.12.550C and 15.16.1430A of the San José Municipal Code, respectively. The public hearing date is scheduled for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard. In addition, this memorandum will be posted on the City's Council Agenda website for the June 18, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

RICK BRUNEAU
Director of Finance

For questions, please contact John Kachmanian, Deputy Director of Finance, at john.kachmanian@sanjoseca.gov or (408) 535-7034.



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TO SET A PUBLIC HEARING TO APPROVE THE PLACEMENT OF THE 2024-2025 ANNUAL SANITARY SEWER SERVICE AND USE CHARGE AND STORM SEWER SERVICE CHARGE ASSESSMENTS ON THE 2024-2025 SANTA CLARA COUNTY SECURED PROPERTY TAX ROLL; DIRECT THE DIRECTOR OF FINANCE TO FILE THE 2024-2025 SANITARY SEWER SERVICE AND USE CHARGE REPORT ON OR BEFORE JULY 15, 2024; AND DIRECT THE CITY CLERK TO PUBLISH A NOTICE OF THE FILING OF THE SANITARY SEWER SERVICE AND USE CHARGE AND STORM SEWER SERVICE CHARGE REPORTS, AND THE TIME AND PLACE OF THE PUBLIC HEARING

WHEREAS, Section 15.12.550 of the San José Municipal Code requires the Director of Finance to file a report each year with the City Clerk, on or before July 5, or such other date or dates as the City Council may specify by resolution, regarding Sanitary Sewer Service and Use Charges (“SSSUC”), and requires the City Clerk to cause notice of filing of the report issued by the Director of Finance regarding the imposition of annual SSSUC, and the time and place of the public hearing; and

WHEREAS, Section 15.16.1410 of the San José Municipal Code requires the Director of Finance to file a report each year with the City Clerk, at least fifteen (15) days before the public hearing on the Storm Sewer Service Charge (“SSSC”) assessments, and requires the City Clerk to cause notice of filing of the report issued by the Director of Finance regarding the imposition of annual SSSC, and the time and place of the public hearing; and

WHEREAS, City staff recommends that the filing date for the Director of Finance’s annual report for Fiscal Year 2024-2025 SSSUC be moved from July 5, 2024 to July 15,

2024 in order to allow staff the time necessary to provide the most complete, accurate and current listing of the Fiscal Year 2024-2025 SSSUC and SSSC;

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

1. Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers of the City of San José, City Hall, located at 200 East Santa Clara Street, San José, California, or via teleconference should the City Council not meet in-person, is hereby fixed as the time and place for the public hearing to approve the placement of the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance.
2. The Director of Finance is hereby directed to file the Fiscal Year 2024-2025 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2024, instead of July 5, 2024; and
3. The City Clerk is hereby directed to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

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ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk