

ORDINANCE NO. 99-05

AN ORDINANCE OF THE CITY OF AMERICAN CANYON LIMITING THE CITY'S PROVISION OF NEW WATER AND SEWER CONNECTIONS AND SERVICES TO RESIDENCES AND BUSINESSES CURRENTLY WITHIN THE CORPORATE LIMITS OF THE CITY AND UNDER CERTAIN CIRCUMSTANCES THE CITY URBAN LIMIT LINE AND THE CITY WATER SERVICE AREA

The City Council of the City of American Canyon ("City") hereby ordains as follows:

Section 1. The City Council of the City finds and declares the following:

- A. Under state law, the City may provide water and sewer connections and service to residences and businesses within its corporate boundaries before committing to provide water and sewer connections and services to developments outside the City limits;
- B. The City has recently approved and has applications pending for new developments for residential, commercial and industrial uses that will require water and sewer connections and service;
- C. Applications for the annexation of various properties to the City and the American Canyon Fire Protection District, a subsidiary district of the City ("District") are currently pending before the Napa County Local Agency Formation Commission ("LAFCO");
- D. Applications for new developments that will require large amounts of water which will be located in unincorporated County territory are pending before the County of Napa ("County"), and to date, applications for the annexation of these developments into the City have not been filed with LAFCO;
- E. The City's primary obligation as a local government is to provide water and sewer connections and service within its boundaries or to those developments where applications for annexation to the City are pending before LAFCO, rather than to developments in unincorporated County territory;
- F. The City is committed to the prudent management of its resources and to its economic growth and development;
- G. Due to the passage of Proposition 13 and its implementing legislation, the availability of funding for infrastructure to extend water and sewer services beyond City limits is uncertain unless the involved area secures a revenue sharing agreement involving the County of Napa ("County"), the City and where applicable the District and annexes to the City, and to the District where appropriate;

H. The City cannot exercise land use authority over development outside of City limits to ensure that these developments pay their proportionate fair share of the cost for the extension of such infrastructure and a proportionate share of revenue derived from the development, in the absence of a revenue sharing agreement and annexation to the City and, where applicable, the District;

I. The City's continued provision of water and sewer connections and services to facilitate development outside of City limits without requiring the annexation of such developments and entry into a revenue sharing agreement would adversely affect the City's and the District's economic stability and development, because the City and District would bear the cost of providing infrastructure and services but would not receive tax revenues or other financial benefits that would be available if such developments were annexed to the City, and where applicable to the District;

Section 2. The City shall give the first priority for new water and sewer connections and services to residences and businesses located within the City corporate boundaries existing on June 30, 1999 and to those properties which have applications pending before LAFCO for annexation to the City. The City shall provide water and sewer connections and services, as available, to other residences and businesses located within the Urban Limit Line of City as described in the City General Plan, adopted on November 3, 1994, upon their annexation to the City and the District, where that has not already occurred, and their securing a revenue sharing agreement involving the County, the City and where applicable the District. The City may provide water service to developments outside of the City Urban Limit Line but within the Water Service Area of the City, as available, upon their securing of a revenue sharing agreement with the County, the City and where applicable, the District.

Section 3. Notwithstanding the provisions of Section 2, the City may provide water and sewer connections and services to developments outside of City limits, but within the Urban Limit Line area, and the Water Service Area of the City when it is established that there is a vested right to such connections or services under agreement or as otherwise provided by state law. Interested parties claiming a vested or other legal right to water or sewer connections or service which predated the adoption of this ordinance may advance such a claim and appeal to the City Council pursuant to Chapter 2.04 of the Municipal Code.

Section 4. Severability. This chapter shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application. To this end, the provisions of this chapter are declared to be severable and are intended to have independent validity.

The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20th day of May, 1999 and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California held on the 3rd day of June, 1999, by the following vote:

AYES: Anderson, Maples, Canziani, Colcleaser, Shaver  
NOES: None  
ABSTAIN: None  
ABSENT: None

APPROVED AS TO FORM:

William D. Ross  
William D Ross, City Attorney

Ben Anderson  
Ben Anderson, Mayor

ATTEST:

Mark Joseph  
Mark Joseph, City Clerk