

**RESOLUTION NO. \_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND ADOPTING PROCEDURES FOR PROVIDING NOTICE  
AND RECEIVING AND TABULATING WRITTEN PROTESTS TO  
PROPERTY-RELATED FEES AND CHARGES**

**WHEREAS**, California Constitution, Article XIID, section 6 (commonly referred to as “Proposition 218”) and the Proposition 218 Omnibus Implementation Act (Government Code section 53750 *et seq.*, the “Act”) require the City of Woodland (the “City”) to consider written protests to the imposition of any new, or increases in any existing, property-related fees and charges for water, sewer, and solid waste; and

**WHEREAS**, Proposition 218 does not set forth any specific rules concerning the method by which written protests are to be submitted to the City in opposition to the imposition of any new, or increase to any existing, property-related fees and charges for water, sewer, and/or solid waste services, or how the City is to tabulate the written protests; and

**WHEREAS**, California Government Code section 53755 provides some direction on the method of tabulating written protests submitted in opposition to the imposition of any new, or any increase to existing, property-related fees and charges for water, sewer, and/or solid waste services; and

**WHEREAS**, the City desires to have a clear and open process for submitting and tabulating written protests for the imposition of any new, or any increase in any existing, property-related fees and charges for water, sewer, and/or solid waste services.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Woodland, that the following procedures are hereby adopted for submitting written protests against any proposed new, or increase in any existing, property-related fees and charges for water, sewer, and solid waste services:

**1. Notice of Public Hearing.** The City allows both the record owners of property and tenants to be the customers of record for any water, sewer, or solid waste property-related service provided by the City and to be directly liable to the City for the payment of any fees and charges imposed by the City for water, sewer, and solid waste services. Pursuant to Proposition 218, the City is required to hold and conduct a public hearing whenever it proposes to impose a new, or increase any existing, property-related fees and charges for water, sewer, or solid waste services.

- (a) The City shall provide notice by mail of the public hearing for the proposed imposition of any new, or increase to any existing, property-related fees or charges for water, sewer, and/or solid waste services required under California Constitution article XIII D, section 6 to the record owner of each identified parcel upon which the property-related fee or charge is proposed for imposition and any tenant or other customer who is directly liable for the payment of any such fees or charges (i.e., a person

who is a customer of record for the respective property-related service but is not the record owner of the identified parcel).

- (b) Notice shall be provided to the record owner of each identified parcel upon which the property-related fee or charge is proposed for imposition or increase and any tenant who is directly liable for the payment of any such fees or charges at least forty-five (45) days prior to the date of the public hearing on the proposed imposition of any new, or increase to any existing, property-related fee or charge for water, sewer, and/or solid waste services.
- (c) For purposes of this Resolution and these procedures, the terms “identified parcel,” “increase,” “notice by mail,” and “record owner,” shall have the meanings contained in Government Code section 53750, subparagraphs (g), (h), (i), and (j) respectively, as such sections may be amended from time to time. Subject to presentation of evidence satisfactory to the City Clerk, as used in this Resolution, the term “record owner” includes a record owner’s authorized representative.

2. Submission of Written Protests. The record owner of each identified parcel upon which property-related fees or charges for water, sewer, and/or solid waste service are proposed for imposition or increase and any tenant who is directly liable for the payment of any such fees or charges may submit a written protest to any proposed new, or any increase in the existing, property-related fees or charges for water, sewer, and/or solid waste services. If the record owner of the parcel or tenant is a partnership, joint tenancy, or tenancy in common, a written protest may be filed by any of the general partners, joint tenants, or tenants in common. In the event of a dispute regarding whether the person submitting a written protest is the record owner of the parcel to which the protest applies, the City Clerk will make such determination based on the last equalized assessment roll and any evidence of ownership submitted to the City prior to the conclusion of the public hearing. Any written protest shall be submitted by mail or in person to the City Clerk, at City Hall, 300 First Street, Woodland, CA 95695, or in person at the public hearing.

- (a) All written protests shall be submitted to, and must be received by, the City prior to the close of the public hearing at which the City Council will consider the adoption of the proposed new, or increase to the existing, property-related fees or charges for water, sewer, and/or solid waste services.
- (b) Any protest submitted to and received by the City by telephone, facsimile, electronic mail, or other electronic means shall not be accepted as a written protest pursuant to this Resolution and these procedures.
- (c) Any written protest received by the City after the close of the public hearing, even if postmarked prior to that time, shall not be accepted as a written protest or considered by the City in determining whether a majority protest exists.

3. Form of Written Protest. To be valid, a protest to any proposed new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste services submitted to the City shall:
  - (a) be in writing and identify the affected property street address or assessor's parcel number;
  - (b) include the original signature of a record owner or a tenant who is directly liable for the payment of the fees or charges; and
  - (c) state the proposed new or increased property-related fees or charges for water, sewer, and/or solid waste services that the record owner or tenant opposes.
4. Multiple Protests Will Not be Counted for One Property. If a parcel receiving water, sewer, and/or solid waste property-related service from the City is owned by more than one record owner or has one or more tenants who is directly liable for the payment of the property-related fee or charge, each such record owner or tenant may submit a written protest to the proposed imposition of any new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste service; however, only one written protest submitted and received by the City pursuant to the procedures set forth in this Resolution will be counted per identified parcel in accordance with California Government Code section 53755(b), as such section may be amended from time to time. Any one written protest submitted in accordance with these procedures will be sufficient to count as a written protest for that property.
5. Withdrawal of Written Protest. Any record owner or tenant who submits a written protest to a new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste services proposed to be imposed by the City may withdraw the written protest by submitting a written request that the protest be withdrawn. Any such request may be made in person at the public hearing or submitted to the City Clerk, and shall be made prior to the close of the public hearing. The withdrawal of a protest shall:
  - (a) contain sufficient information to identify the affected parcel by street address or parcel number;
  - (b) include the name and original signature of the record owner or tenant who submitted both the protest and the request that it be withdrawn.

Only the person who submits a written protest may withdraw it.
6. Public Hearing is Not an Election. The public hearing and protest required under Article XIID, section 6(a) of the California Constitution prior to the adoption of any new, or increase in any existing, property-related fees or charges for water, sewer and/or solid waste services is not an election.
7. Protests are Public Records. To ensure transparency and accountability in the protest tabulation, written protests shall constitute public records and shall be

subject to disclosure in the manner required by law, from and after the time the public hearing is closed. All written protests, any request to withdraw a written protest, and any notice packet that is returned to the City as “undeliverable” by the U.S. Postal Service, shall be retained by the City Clerk for a period not less than two years after the public hearing.

8. Oral Comments. Any oral comment made at the public hearing for the consideration of the adoption of any new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste services shall not qualify as a formal written protest unless accompanied by a signed, written protest in conformance with this Resolution and these procedures. However, the City Council welcomes input from the community during the public hearing on any proposed new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste services.

**BE IT FURTHER RESOLVED**, that the following procedures are hereby adopted for tabulating written protests against the proposed imposition of any new, or increase in any existing, property-related fees and changes for water, sewer, and/or solid waste services:

1. Validity of Protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:
  - a. The written protest does not identify a parcel of property served by the City.
  - b. The written protest does not bear an original signature of the record owner or tenant directly liable for the payment of the proposed new, or increase in the existing, property-related fees or charges for water, sewer, and/or solid waste services identified on the written protest.
  - c. The protest does not state it is being submitted in opposition to the proposed new, or increase in any existing, property-related fees or changes for water, sewer, and/or solid waste services.
  - d. The protest was not received by the City Clerk before the close of the public hearing on the proposed new, or increase in any existing, property-related fees or changes for water, sewer, and/or solid waste services.
  - e. A valid request to withdraw the written protest is received prior to the close of the public hearing on the proposed new, or increase in any existing, property-related fees or changes for water, sewer, and/or solid waste services.
2. Final Action. The City Clerk’s decision regarding the validity of a written protest shall constitute a final action of the City of Woodland and shall not be subject to any internal appeal.
3. Cursory Review. The City Clerk may begin a cursory review at any time a written protest is received; however, the review shall not be completed until the close of the public hearing and consideration of any written request to withdraw a

written protest. At the conclusion of the public hearing, the City Clerk shall complete the cursory review of all protests received, including those received during the public hearing and shall report the results of the review to the City Council upon completion. If a cursory review of the protests received demonstrates that the number received is manifestly less than one half of the parcels served by the City with respect to the water, sewer, or solid waste service, then the Clerk may advise the City Council of the absence of a majority protest without tabulating the protests.

4. Final Tabulation. In the event that upon a cursory review of the protests received it appears that the number received is not less than one half of the parcels served, then the City Clerk shall proceed to tabulate the protests. If at the conclusion of the public hearing the City Clerk determines that additional time will be needed to tabulate the protests, the Clerk shall advise the City Council. The City Council may trail the item if the tabulation may be completed before the conclusion of the City Council meeting, or adjourn the item to allow the tabulation to be completed. If adjourned, the City Council shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation and shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report. The results of the tabulation of the written protests shall be announced before the City Council may consider the adoption of the proposed new, or increase in the existing, property-related fees or changes for water, sewer, and/or solid waste services.
5. Majority Protest. A majority protest will exist for each proposed new, or increase in any existing, property-related fees or charges for water, sewer, and/or solid waste services if a majority of the record owners of the identified parcels upon which the fees or charges are proposed for imposition or tenants directly liable for the payment of such fees or charges submit valid written protests against the proposed imposition. All written protests must be timely submitted and not withdrawn by the record owners or tenants, and comply with the requirements set forth in this Resolution and these procedures. If a majority protest is received, then the proposed new or increase in any existing property-related fees or changes for water, sewer, and/or solid waste services shall not be approved. If there is not a majority protest for the proposed new, or increase in any existing, property-related fees or changes for water, sewer, and/or solid waste services, then the City Council shall consider whether to adopt the proposed new, or increase in any existing, property-related fees or changes for water, sewer, and/or solid waste services.

PASSED AND ADOPTED by the City Council of the City of Woodland on this 17th day of January, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

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Angel Barajas  
Mayor



ATTEST:

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Ana B. Gonzalez, MMC  
City Clerk