

ORIGINAL

RESOLUTION NO. 15153

A RESOLUTION OF THE CITY COUNCIL OF REDWOOD CITY ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO PROPOSITION 218

WHEREAS, Proposition 218 (Articles XIIC and XIID of the California Constitution) requires the City of Redwood City to comply with certain substantive and procedural requirements prior to imposing or increasing utility charges, which include the consideration of written protests to such increases; and

WHEREAS, the Proposition 218 Omnibus Implementation Act and AB 1260 (Cal. Government Code section 53755) clarified that the City may provide written notice of a proposed increase to an existing property-related charge by notifying the customer of record, if the property owner does not reside at the property where the service is provided but the billing statement for service is mailed to the property where service is provided; and

WHEREAS, neither Proposition 218 nor the Proposition 218 Omnibus Implementation Act offers specific guidance as to who is allowed to submit protests, how written protests are to be submitted, or how the City is to tabulate the protests; and

WHEREAS, the City Council wishes to set forth procedures for submission and tabulation of protests which are intended to be consistent with Proposition 218 and with the Proposition 218 Omnibus Implementation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AS FOLLOWS:

1. The City Council of the City of Redwood City hereby adopts guidelines for the submission and tabulation of protests attached hereto as Exhibit "A" and incorporated herein by reference.
2. This Resolution shall be effective upon its adoption.

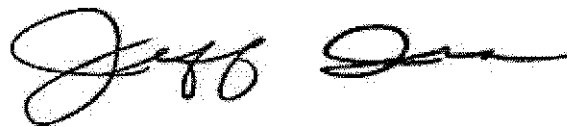
Passed and adopted by the Council of the City of Redwood City at a Regular Joint City Council/Redevelopment Agency Board Meeting thereof held on the 24th of October, 2011 by the following votes:

Council members: Aguirre, Bain, Foust, Gee, Pierce, Seybert and Mayor Ira

NOES: None

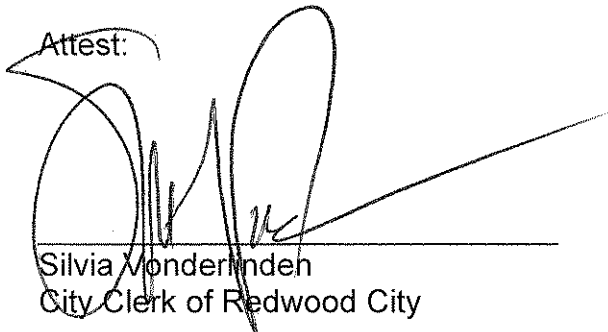
ABSTAIN: None

ABSENT: None



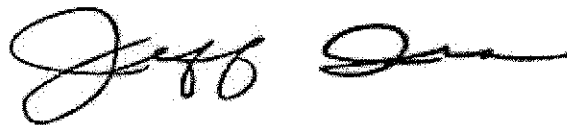
JEFF IRA
Mayor of the City of Redwood City

Attest:



Silvia Vonder Linden
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 25th day of October 2011.



JEFF IRA
Mayor of the City of Redwood City

Exhibit "A"

CITY OF REDWOOD CITY

GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS

Where notice of a public hearing with respect to the adoption or increase of a utility charge has been given by the City pursuant to Article XIID, Section 6(a) of the California Constitution, the following guidelines shall apply.

DEFINITIONS

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these Guidelines:

1. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.
2. "Record customer" and "customer of record" mean the person or persons whose name or names appear on the City's records as the person who has contracted for, and is obligated to pay for, utility services to a particular utility account.
3. "Record owner" or "parcel owner" means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.
4. A "fee protest proceeding" is not an election, but the City Clerk will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

NOTICE OF PROPOSED RATES AND PUBLIC HEARING

5. *Notice Delivery.*

- A. The City shall give notice of a proposed new property-related fee or charge via U.S. mail to all record owners and customers of record served by the City. When providing notice of a proposed increase to an existing fee or charge, the City shall mail such notice to all customers of record served by the City.
- B. The City will post the notice of proposed charges and public hearing at its official posting site.

SUBMISSION OF PROTESTS

6. *Protest Submittal.*

- A. Any record owner or customer of record who is subject to the proposed utility charge which is the subject of the hearing may submit a written protest to the City Clerk, by:
- Delivery in person or by mail to the City Clerk's Office at City Hall, 1017 Middlefield Road, Redwood City, CA 94063; or
 - Personally submitting the protest at the public hearing.
- B. Protests must be received by the end of the public hearing, including those mailed to the City. No postmarks will be accepted; therefore, any protest not actually received by the close of the hearing, whether or not mailed prior to the hearing, shall not be counted.
- C. Emailed, faxed and photocopied protests shall not be counted.
- D. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed charges.

7. *Protest Requirements.*

- A. A written protest must include:
- (i) A statement that it is a protest against the proposed charge which is the subject of the hearing.
 - (ii) Name of the record owner or customer of record;
 - (iii) Identity of the affected parcel by assessor's parcel number or service address;
 - (iv) Original signature of the record owner or customer of record with respect to the identified parcel.
- B. Protests shall not be counted if any of the required elements (i through iv) outlined in the preceding subsection "A." are omitted.

8. *Protest Withdrawal.*

Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or customer of record who submitted both the protest and the request that it be withdrawn.

9. ***Multiple Record Owners or Customers of Record.***

- A. Each record owner or customer of record of a parcel served by the City may submit a protest. This includes instances where:
- (i) A parcel is owned by more than a single record owner or more than one name appears on the City's records as the customer of record for the parcel, or
 - (ii) A customer of record is not the record owner, or
 - (iii) A parcel includes more than one record customers, or
 - (iv) Multiple parcels are served via a single utility account, as master-metered multiple family residential units.
- B. Only one protest will be counted per parcel as provided by Government Code section 53755(b).

10. ***Transparency, Confidentiality, and Disclosure.***

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of record owners and customers of record, protests will be maintained in confidence until tabulation begins following the public hearing.
- B. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law.

TABULATION OF PROTESTS

11. ***City Clerk.***

The City Clerk shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner or record customer of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the City which is subject to the proposed charge.
- D. The protest does not bear an original signature of the named record owner of, or record customer with respect to, the parcel identified on the protest. Whether a signature is valid shall be entrusted to the reasonable judgment of the City Clerk, who may consult signatures on file with the County Elections Official and/or the City.

- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner or a customer of record to protest the charges.
- F. The protest was not received by the City Clerk before the close of the public hearing on the proposed charges.
- G. A request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

12. ***City Clerk's Decisions Final.***

The City Clerk's decision that a protest is not valid shall constitute a final action of the City, and shall not be subject to any internal appeal.

13. ***Majority Protest.***

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of, or customers of record with respect to, a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the City may inform the public of the number of parcels served by the City when a notice of proposed rates is mailed, the number of parcels with active customer accounts served by the City on the date of the hearing shall control in determining whether a majority protest exists.

14. ***Tabulation of Protests.***

At the conclusion of the public hearing, the City Clerk shall tabulate all protests received, including those received during the public hearing, and shall report the results of the tabulation to the City Council. If the total number of protests received is insufficient to constitute a majority protest, the City Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination.

15. ***Report of Tabulation.***

If at the conclusion of the public hearing the City Clerk determines that he or she will require additional time to tabulate the protests, he or she shall so advise the City Council, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, 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 the Council shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the City Clerk.