



Number: **BP 011**

Authority: Board of Directors  
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Initiating Dept./Div.: Administration

## **BOARD POLICY**

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### **POLICY FOR THE SUBMISSION AND TABULATION OF PROPOSITION 218 NOTICE PROTESTS**

#### PURPOSE

To establish a policy for handling protests related to fee or charge increases subject to Proposition 218, in accordance with Article XIID of the California Constitution and California Government Code Section 53755.

#### POLICY

This policy establishes the criteria for handling written protests of fee and charge increases subject to the Proposition 218 notification requirements. The policy provides standards for validation of the tabulation of protests in the event of a challenge or claim of irregularity.

#### Submittal of Protests

1. Any property owner and/or tenant of a parcel may submit a written protest to the Secretary of the District for the affected parcel.
2. To be valid, a written protest must bear the signature of the record owner or tenant of the parcel and may not have been altered by anyone who did not sign the protest. Each protest must identify the affected property by Assessor's Parcel Number or street address.
3. Protests may be delivered to the Secretary of the District or submitted at the public hearing. Protests may be delivered by personal delivery or mail. Electronic copies of signed written protests will also be accepted by fax or as a PDF attached to an e-mail. Preferably, mailed protests will note on the envelope, "Sewer Service Charge Protest" or "Recycled Water Fee Protest." Protests submitted by mail, by fax or e-mail must be received prior to the start of the public hearing; personally delivered written protests must be received by the end of the public hearing. No postmarks will be accepted. No electronic means of

communication will be accepted as a valid protest unless it is fully compliant with the signature and informational requirements set forth herein.

4. Only one protest will be counted per parcel. If a signed written protest is received from both the property owner and tenant, only one protest will be counted. If a parcel served by the District is owned by more than a single record owner, each owner may submit a protest, but only one protest will be counted per parcel and any single protest submitted in accordance with these rules will be sufficient to count as a protest for that parcel.
5. Any person who submits a protest may withdraw it by submitting to the Secretary of the District a written request that the protest be withdrawn. A property owner may also withdraw a protest of a tenant. The withdrawal of a protest shall identify the affected property by Assessor's Parcel Number or street address and the name of the record owner or tenant who submitted both the protest and the request that it be withdrawn.
6. The Board welcomes input from the community at any time, including during the public hearing on the proposed charges, but only written protests consistent with this policy will be counted as formal protests.
7. Upon the request of a property owner, the Secretary of the District will disclose the receipt of a protest by a tenant for a particular property prior to the public hearing.

#### Tabulation of Protests

1. The Secretary of the District shall determine the validity of all protests. The Secretary of the District shall not accept as valid any protest if the Secretary of the District determines that any of the following conditions exist:
  - a. The protest does not identify a parcel currently receiving sewer service from the District or reasonably served by the District's recycled water pipelines;
  - b. The protest does not bear a signature of a record owner or tenant of the parcel identified on the protest;
  - c. The protest does not clearly state its opposition to the proposed charges;
  - d. The protest was not timely received prior to the public hearing or presented to the Secretary of the District before the close of the public hearing on the fee increase;
  - e. A valid request to withdraw a previously-submitted protest is received prior to the close of the public hearing on the proposed charge;
  - f. The protest was altered by one other than the owner or tenant who signed it.

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2. The Secretary of the District's decision that a protest is not valid or does not apply to a specific charge shall constitute a final action of the District and shall not be subject to any administrative appeal.
3. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners or tenants of a majority of the parcels subject to the proposed charge.