

Guidelines for the Submission and Tabulation of Protests

Under Proposition 218, Sierra Madre is required to hold a protest hearing for certain property related assessments, charges and user fees, prior to the creation of, or increase in certain property related fees. The City of Sierra Madre has mailed a protest form to all water/sewer billing customers regarding a proposed increase in water rates and sewer fees.

The process of submitting, validating, counting and processing the protests is the following:

SUBMISSION OF PROTESTS

1. A protest ballot will be mailed to all water/sewer customers directly responsible for paying a water and/or sewer bill. The envelope will include a letter describing the rate adjustment, the reason for any changes to previous rates, stating the effective date of the adjustment if approved, advising the customer of the protest procedure, and stating the date of the public hearing. A ballot, along with the Guidelines for Submission and Tabulation of Protests, will be included in the mailing.
2. A utility customer or a property owner may submit a protest of the sewer or water rate increase. Each parcel gets one protest, which may be cast by the property owner or the utility customer. But only one protest per parcel will be counted.
3. The protest ballot is included in the City mailing to make it easier to submit a protest; however, it is not a requirement that protests be submitted using the protest ballot. Written protests are also allowed. A written protest must be legible and identify the affected property (by assessor's parcel number and street address) and include the signature of the utility customer or record property owner. The written protest must also state that the individual is protesting the water and/or sewer rate increase.
4. All protests must be mailed or hand delivered in a sealed envelope addressed to the City of Sierra Madre, Attention: Water or Sewer Protest, 232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024.
5. To be valid the protest must bear the original signature of the utility customer or property owner of record with respect to the property identified on the protest. Emailed protests, unsigned protests, illegible protests, or protests not bearing the original signature cannot be accepted. Although oral comments at the Public Hearing will not qualify as a formal protest unless accompanied by a protest ballot or written protest, the City Council welcomes input from the community during the public hearing on the proposed fee.
6. If a parcel served by the City is the service location for more than one customer or is owned by more than a single property owner, each customer or owner may submit a protest, but only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that property.
7. Any person who submits a protest may withdraw it by submitting 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 property owner or utility customer who submitted both the protest and the request that it be withdrawn.
8. A fee protest proceeding is not an election.

TABULATION OF PROTESTS

1. Written protests and protest ballots will remain sealed until tabulated.
2. Protests will be tabulated in public view, on July 31, 2018, at 9:30 a.m. in the City Council Chambers at 232 W. Sierra Madre Boulevard. The public hearing regarding the water/sewer rate increase is being held on the same date, July 31, 2018, at 6:30 pm.
3. The sealed protests will be opened and tabulated by Sierra Madre Staff members who do not reside in the City of Sierra Madre, as such, they do not have a vested interest in the outcome of the proposed fee.
4. The City Clerk and City Manager or designee shall determine the validity of all protests. The City Clerk and City Manager or designee shall not accept as valid any protest if the City Clerk and City Manager or designee determines that any of the following conditions exist:
 - a. The protest does not identify a property served by the City by an accurate City utility account number and street address.
 - b. The protest does not bear an original signature of a property owner of record, or the responsible utility customer identified on the protest.
 - c. The protest is a duplicate protest for the parcel (defined as a "water meter") identified on the protest.
 - d. The protest does not state its opposition to the proposed water or sewer fee.
 - e. The protest was not received by the City before the close of the public hearing on the proposed fees.
 - f. A request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
 - g. A written protest is illegible such that the City is unable to verify that the signatory is either the record parcel owner or the customer responsible for the water and/or sewer bill.
5. The City Clerk's and City Manager or designee's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any appeal.
6. A majority protest exists if protests are timely submitted and not withdrawn by the record owners or utility customers of a majority of the parcels (water meters) subject to the proposed fee.
7. At the conclusion of the public hearing, the City Clerk and City Manager or designee shall verify the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels (water meters) served by the City with respect to the fees which are the subject of the protest, then the City Clerk and City Manager or designee may advise the City Council of the absence of a majority protest without determining the validity of all protests.
8. At the conclusion of the protest verification process, the protests and any resources used to analyze the ballots are deemed public records subject to public disclosure and will be made available for inspection by any interested person. Protests shall be preserved for two years, after which time the protests will be destroyed.

Definitions:

Proposition 218 is the Right to Vote on Taxes Act that was approved by California Voters in November 1996. Proposition 218 added Articles XIII C and D to the California Constitution. A State Supreme Court Case, Bighorn-Desert View Water Agency v. Beringson (July 2006) determined that utility rates (Water and Sewer) are subject to the requirements of Proposition 218, specifically, the majority protest procedure.

Property Owner is the owner of record as determined by the Los Angeles County Assessor's office.

Utility Customer/Water Customer is the individual who is listed, by name, in the City's Utility Billing System as the individual in whose name the bill is mailed. Responsible tenant is also the individual who is named in the City's Utility Billing System and in whose name the bill is mailed.

Protest is either a written protest or a protest ballot.

Protest ballot is the ballot that is included in the City's mailing to facilitate the submission of a protest.

Written Protest is correspondence addressed to the City that: (1) identifies the affected property by street address, assessor's parcel number, and City utility account number, (2) includes the original signature of the utility customer or record property owner, and (3) states that the individual is protesting the water and/or sewer rate increase.

Majority Protest occurs if protests are received from 50% plus 1 of the affected parcels. (A parcel is defined as a water meter.)

Duplicate Protest occurs when more than one protest is received for a single parcel and a withdrawal request(s) is not received. Only one ballot will be counted.