

## **Policy Governing the Acceptance and Tabulation of Utility Rate Protests**

1. Any property owner or water customer may submit a written protest to the City Clerk, either by mail or delivery to the City Clerk at Vernon City Hall, 4305 Santa Fe Avenue, Vernon, California, 90058 by 9:00 AM on the date of the public hearing or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must be in writing and must state that it is a protest (or indicate opposition to the proposed rates) and include the following information: (i) the name of the owner or customer submitting the record, (ii) the street address or assessor's parcel number of the parcel (or service location) for which the protest is submitted, and (iii) the signature of the person submitting the protest.
3. Email or facsimile protests cannot be accepted. Although the City Council welcomes input from the community during the public hearing on the proposed fees, oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest.
4. If a parcel receiving water service is owned by more than one record owner; if more than one name appears on the City's records as the customer for the parcel; or if the customer is not the record owner, any owner or customer 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 parcel.
5. A protest by a property owner that is a trust must be signed by the Trustee and identified as such with the signature (i.e., John Smith, Trustee for Smith Family Trust). Protests by property owners that are corporations, partnerships, or similar entities must be signed by a person authorized to execute documents on behalf of the property owner. A property owner that is not shown on the last equalized assessment roll for a parcel must accompany the protest with evidence of ownership.
6. Any person who submits a protest may withdraw it by submitting to the City Clerk a dated written request that the protest be withdrawn. The withdrawal of a protest must contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
7. A fee protest proceeding is not an election.
8. To ensure transparency and accountability in the fee protest tabulation process, protests shall constitute open public records from and after the time when they are received and opened by the City. Protests will be retained by the City for three years and then may be destroyed.

### **Tabulation of Protests**

1. The City Clerk, or designee, shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if s/he determines that any of the following conditions exist:

- a. The protest does not identify a parcel that will be subject to the proposed fees.
  - b. The protest does not bear an original signature of a record owner or customer associated with the parcel.
  - c. The protest does not state its opposition to the proposed fees or is illegible.
  - d. The protest has been altered in any way by someone other than the person who signed it.
  - e. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
  - f. A request to withdraw the protest was received by the City Clerk prior to the close of the public hearing on the proposed fees.
  - g. The protest or request for withdrawal is dated prior to the date of mailing of the notices of hearing on the proposed fees.
2. 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.
  3. A majority protest exists if written protests are timely submitted and not withdrawn by owners or customers with respect to a majority (50.0% plus one) of the parcels subject to the proposed fee.
  4. A majority protest also exists if written protests are timely submitted and not withdrawn by customers with respect to a majority (50.0% plus one) of the service locations (customer accounts) subject to the proposed fee.
  5. At the conclusion of the public hearing, the City Clerk shall count all protests received, including those received during the public hearing, and shall report the results 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 served by the City with respect to the fee which is the subject of the protest, then the City Clerk may advise the Council of the absence of a majority protest without determining the validity of all protests.
  6. If, at the conclusion of the public hearing, the Clerk determines that s/he will require additional time to count the protests, s/he shall so advise the Council, which may adjourn the meeting to allow the count to be completed on another day or days. If so, the Council shall declare the time and place of the count, which shall be conducted in a place where interested members of the public may observe the counting, and the Council shall declare the time at which its meeting shall be resumed to receive and act on the report of the Clerk.