

## OVERVIEW: ARTICLE XIID AND PROPOSITION 218 PROCESS

The City cannot increase assessments within an assessment district without complying with the procedures specified in Article XIID of the California Constitution and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following). In November 1996, the voters in the State of California added Article XIID to the California Constitution imposing, among other requirements, the necessity for the City to conduct an assessment ballot procedure to enable the owners of each property on which assessments are proposed to be enacted or increased, the opportunity to express their support for, or opposition to the proposed assessment or increase in such assessment. The basic steps of the assessment ballot procedure are as follows:

- The City must prepare a Notice of Public Hearing, which describes, along with other mandated information, the reason for the proposed assessments, and to provide a date and time of a public hearing to be held on the matter.
- The City must prepare an assessment ballot, which clearly gives the property owner the ability to sign and mark their assessment ballot either in favor of, or in opposition to the proposed assessment.
- The Notice and assessment ballot are to be mailed to each affected property owner within the district, a minimum of 45 days prior to the public hearing date as shown in the Notice.
- The City may also hold community meetings with the property owners to discuss the issues facing the district and to answer property owner questions directly.

After the Notice and assessment ballot are mailed, property owners are given until the close of the public hearing, stated in the Notice, to return their signed and marked assessment ballot. During the public hearing, property owners are given the opportunity to address the City Council and ask questions or voice their concerns. **At the public hearing, the returned assessment ballots received prior to the close of the public hearing are tabulated, weighted by the proposed assessment amount on each property and the results are announced by the City Council.**

Article XIID provides that if, as a result of the assessment ballot proceeding, a majority protest is found to exist, the City Council shall not have the authority to increase the assessments as proposed. **A majority protest exists if the assessments represented by ballots submitted in opposition exceed those submitted in favor of the assessment. All returned ballots are tabulated and weighted according to the financial obligation of each particular parcel.** If there is no majority protest as described above, the City Council may approve the proposed increase.

**Specifically, Article XIID Sec 4(e) gives specific language regarding tabulated ballots weighted according to the proportional financial obligation of the affected property. In addition, Section 53753 of the California Government Code references that ballots are to be weighted according to the proportional financial obligation of the affected property.**

Links to Article XIID of the California Constitution and Proposition 218 Omnibus Implementation Act are as follows:

[http://www.leginfo.ca.gov/.const/.article\\_13D](http://www.leginfo.ca.gov/.const/.article_13D)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=53001-54000&file=53750-53756>