

RESOLUTION NO. 2026-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY
ADOPTING PROCEDURES FOR RECEIVING AND TABULATING PROTESTS AGAINST
SEWER RATE INCREASES UNDER PROPOSITION 218**

WHEREAS, the City of Crescent City is a general law city incorporated in 1854 and governed by the general laws of the State of California; and

WHEREAS, in 1996, the voters of the State of California adopted Proposition 218 (the "Right to Vote on Taxes Act"), which limits local government ability to raise taxes, assessments, and property-related fees; and

WHEREAS, water, sewer and refuse fees are charges for "property-related" services, their adoption must comply with article XIII D § 6 and Government Code Section 53755; and

WHEREAS, in 1997, the Proposition 218 Omnibus Implementation Act (Government Code §§ 53750 – 53758) took effect and established specific notice, protest and public hearing requirements when water, sewer or refuse rates are proposed to be increased; and

WHEREAS, the City Council finds it prudent to adopt procedures that clarify protest requirements and the tabulation process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRESCENT CITY that the following procedures are adopted for the submission, receipt and tabulating of protests against the proposed increases to sewer rates:

1. **NOTICE.** Pursuant to Government Code Section 53755, and as required by section 6(a) of article XIII D of the California Constitution, notice of the proposed sewer rate increases and public hearing will be mailed at least forty-five days (45) days prior to the date of the public hearing to the following:
 - 1.1 Customers of record at the address to which the City customarily mails billing statements for sewer service; and
 - 1.2 Property owners of record for parcels that receive sewer service at the address on file with the Del Norte County Tax Assessor's Office per the County's last equalized secured property assessment roll.

2. **PROTEST.** Each sewer customer of record and property owner of a parcel subject to the proposed sewer rates may submit a written protest against the proposed rate increases. Only one protest will count per parcel.
 - 2.1 Each protest must contain the following: (i) a statement indicating that the identified property owner or customer of record is in opposition to the proposed sewer rate increases; (ii) the street address or Assessor's Parcel Number (APN) for the parcel(s) with respect to which the protest is made; and (iii) the printed name and signature of the property owner or customer or record submitting the protest. The submitted protest must bear the original signature of the person(s) protesting. Photocopies, etc. will not be accepted.

 - 2.2 Written protests must be mailed or hand delivered to the Office of the City Clerk at 377 J Street, Crescent City, California 95531, prior to 4:00 p.m. on June 1, 2026, or hand delivered to the City Clerk at the Public Hearing before the conclusion of the Public Hearing. Protests submitted via e-mail or other

electronic means will not be accepted. For any written protest, whether mailed or submitted in person to the City Clerk, please identify on the front of the envelope that the enclosed protest is for the Public Hearing on the Proposed Sewer Rates.

2.3 Any person who submits a protest may withdraw the protest by delivering a written request that the protest be withdrawn by delivering it by mail or in person to the City Clerk, City Hall, 377 J Street, Crescent City, CA 95531 or at the public hearing, prior to the close of the public hearing. The request to withdraw a protest must contain: (i) a statement that the protest to sewer rates is being withdrawn; (ii) the street address or Assessor's Parcel Number (APN) for which the protest was submitted; and (iii) the printed name and signature of the person who submitted the protest and the request that it be withdrawn. Only the individual who submitted a protest may withdraw it.

3. PUBLIC HEARING. The public hearing will be held Monday, June 1, 2026 at 6:00 PM or as soon thereafter as the matter may be heard at the Flynn Center Board Chambers, 981 H Street, Crescent City, CA 95531. The City Council will hear and consider all written and oral protests related to the proposed rate changes at the Public Hearing. Oral comments at the Public Hearing will not qualify as protests unless accompanied by a written protest. Upon the conclusion of the Public Hearing, there will be no more written protests accepted and no more testimony taken. Following the close of the Public Hearing and the tabulation of protests, the City Council will consider adoption of the proposed sewer rates.

4. TABULATION OF PROTESTS. Each parcel served by City sewer service is an "eligible parcel" and is allowed one valid protest.

4.1 If an eligible parcel is owned by more than one owner of record, each owner of record is able to submit a protest. If an eligible parcel has one or more customers of record, each customer of record is able to submit a protest. Although each eligible parcel may have multiple persons (owners of record and customers of record) legally able to submit a protest, only one protest per eligible parcel will be counted. A majority protest exists if valid protests are submitted on behalf of 50%+1 of the eligible parcels.

4.2 The City Clerk determines the validity of all protests. Protests that are not submitted in accordance with paragraphs 2.1 and 2.2 or which are withdrawn in accordance with paragraph 2.3 shall be ruled invalid. Protests that have been submitted by individuals that no longer own an eligible parcel or are no longer a water customer as of the date of the public hearing shall be ruled invalid. The City Clerk's decision regarding the validity of a protest constitutes a final action of the City and is not subject to appeal.

4.3 Promptly following the close of the public hearing on the proposed sewer fees, the City Clerk shall begin tabulating the written protests submitted in accordance with paragraph 2.2. If the number of protests received as of the close of the public hearing (prior to validation and tabulation) is less than 50% of the eligible parcels, then the City Clerk may advise the City Council of the absence of a majority protest prior to validating and tabulating the protests.

4.4 Upon completing the tabulation of the protests received, the City Clerk shall report the results to the City Council.

4.5 All written protests shall be kept for a minimum of two years following the date of the public hearing.

5. **REPEAL.** Resolution No. 2015-03 is hereby repealed.

APPROVED and ADOPTED and made effective the same day at a meeting of the City Council of the City of Crescent City held on the 6th day of April 2026, by the following polled vote:

AYES: Council Members Greenough, Shamblin, Tinkler, and Mayor Wright

NOES: Council Member Altman

ABSTAIN: None

ABSENT: None



Isaiah Wright, Mayor

ATTEST:



Robin Altman, City Clerk