

**GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION
WITH RATE HEARINGS CONDUCTED BY THE TOWN OF YOUNTVILLE PURSUANT TO
ARTICLE XIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION
(Adopted by Town Council December 5, 2017; Resolution Number 17-3448)
(Revised by Town Council January 16, 2018; Resolution Number 18-3452)**

SECTION 1: Definitions.

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these guidelines.

- A. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.
- B. "Record owner" or "parcel owner" means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.
- C. "Tenant" means a customer other than the record owner who resides at the property and is directly liable for payment of the property-related fee.
- D. A "fee protest proceeding" is not an election, but the Town Clerk will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

SECTION 2: Notice Delivery.

Notice of proposed rates and public hearing shall be as follows:

- A. The Town shall give notice of proposed charges via U.S. mail to all record owners of parcels served by the Town.
- B. The Town will post the notice of proposed charges and public hearing at its official posting sites, and on the Town's website.

SECTION 3: Protest Submittal.

- A. Any record owner or tenant of a parcel subject to the proposed utility charge that is the subject of the hearing may submit a written protest to the Town Clerk, by:
 - (i) Delivery to the Town Clerk's Office at 6550 Yount Street, Yountville California during published business hours
 - (ii) Mail to Town Clerk at 6550 Yount Street, Yountville CA 94599, or
 - (iii) Personally submitting the protest at the public hearing.

- B. Protests must be received by the end of the public hearing, including those mailed to the Town. No postmarks will be accepted; therefore, any protest not physically received by the close of the hearing, whether or not mailed prior to the hearing, shall not be counted.
- C. Because an original signature is required, emailed, faxed and photocopied protests shall not be counted.
- D. Although oral comments at the public hearing will not qualify as a formal protest, unless accompanied by a written protest, the Town Council welcomes input from the community during the public hearing on the proposed charges.

SECTION 4: Protest Requirements.

- A. A written protest must include:
 - (i) A statement that it is a protest against the proposed charge that is the subject of the hearing.
 - (ii) Name of the record owner or tenant who is submitting the protest;
 - (iii) Identification of assessor's parcel number, street address, or utility account number of the parcel with respect to which the protest is made;
 - (iv) Original signature and legibly printed name of the record owner or tenant who is submitting the protest.
- B. Protests shall not be counted if any of the required elements (i thru iv) outlined in the preceding subsection "A." are omitted.

SECTION 5: Protest Withdrawal.

Any person who submits a protest may withdraw it by submitting to the Town Clerk 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 record owner or tenant who submitted both the protest and the request that it be withdrawn. Withdrawal of protest must be received by the end of the public hearing, including those mailed to the Town.

SECTION 6: Multiple Record Owners or Tenants.

- A. Each record owner or tenant of a parcel served by the Town may submit a protest. This includes instances where:
 - (i) A parcel is owned by more than one record owner, or
 - (ii) A parcel is occupied by more than one tenant, or

- (iii) Multiple parcels are served via a single utility account, as master-metered multiple family residential units.

- B. Only one protest will be counted per parcel as provided by Government Code Section 53755(b).

SECTION 7: Transparency, Confidentiality, and Disclosure.

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of record owners and tenants, protests will be maintained in confidence until tabulation begins following the public hearing.
- C. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law and will be maintained in Town files for two years.

SECTION 8: Town Clerk.

The Town Clerk shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner or tenant of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the Town that is subject to the proposed charge.
- D. The protest does not bear an original signature of the named record owner or tenant of the parcel identified on the protest. Whether a signature is valid shall be entrusted to the reasonable judgment of the Town Clerk, who may consult signatures on file with the County Elections Official.
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner or tenant to protest the charges.
- F. The protest was not received by the Town Clerk before the close of the public hearing on the proposed charges.
- G. A request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

SECTION 9: Town Clerk's Decisions Final.

The Town Clerk's decision that a protest is not valid shall constitute a final action of the Town and shall not be subject to any internal appeal.

SECTION 10: Majority Protest.

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners or tenants of a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the Town may inform the public of the number of parcels served by the Town when a notice of proposed rates is mailed, the number of parcels served by the Town on the date of the hearing shall control in determining whether a majority protest exists.

SECTION 11: Tabulation of Protests.

At the conclusion of the public hearing, the Town Clerk shall tabulate all protests received, including those received during the public hearing, and shall report the result to the Town Council. If the number of protests received is insufficient to constitute a majority protest, the Town Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, the Town Clerk may determine the absence of a majority protest without opening the envelopes in which protests are returned.

SECTION 12: Report of Tabulation.

If at the conclusion of the public hearing, the Town Clerk determines that he or she will require additional time to tabulate the protests, he or she shall so advise the Town Council, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the Town Council shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the Town Council shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the Town Clerk.