

Resolution 2003-125

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING PROCEDURES FOR FEE ELECTIONS**

WHEREAS, Article XIID of the California Constitution authorizes local agencies to adopt procedures for the conduct of elections to approve fees and charges that are similar to the procedures for approving increases in assessments; and

WHEREAS, the City Council of the City of Elk Grove wishes to expedite the process for approving fees and charges that are subject to voter approval in those cases where the voters are the property owners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove that:

Section 1. Authority to Conduct Fee Elections. The City Council hereby authorizes the City Clerk to conduct all elections that are required under California Constitution Article XIID, Section 6(c), where the fee or charge will be submitted to the property owners for approval, using the procedures specified in Section 2 hereof.

Section 2. Procedures for Distributing and Tabulating Ballots.

(a) **Method of Distribution.** The City Clerk may distribute the ballots to the property owners by mail or by personal service.

(b) **Time of Distribution.** The City Clerk shall distribute the ballots not later than 45 days prior to the date set for the election. The City Clerk may distribute the ballots at the same time that the notices of the public hearing required by California Constitution Article XIID, Section 6(a), are mailed.

(c) **Form and Content of Ballots.** The ballots shall include the address to which the ballot is to be returned and a place where the person returning the ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed fee or charge. Each ballot shall be in a form that conceals its contents once it is sealed by the person submitting the ballot.

(d) **Return of Ballots.** Each ballot shall be signed and either mailed or otherwise delivered to the address indicated on the ballot. Regardless of the method of delivery, all ballots shall be received at the address indicated and by the day and hour of the election in order to be included in the tabulation of ballots.

(e) **Tabulation of Ballots.** Ballots shall remain sealed until the tabulation of ballots commences. At the hour specified in the resolution calling the election, the City Clerk shall open and tabulate the ballots. If, however, prior to the specified hour, all the property owners have returned their ballots, the City Clerk may close the election and tabulate the ballots.

Section 3. General Authorization. The officers of the City and each of them individually, are hereby authorized and directed, for, in the name of, and on behalf of the City, to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, in order to affect the purposes of this resolution.

Section 4. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of June 2003.




RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI
CITY ATTORNEY

AYES: Soares, Scherman, Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: Briggs