

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 24-XXX

**RESOLUTION ACCEPTING THE TABULATION RESULTS FOR THE CITY'S 2024
STORMWATER FEE AMENDMENT, A PROPERTY-RELATED FEE CONFORMING TO
ARTICLE XIII D, SECTION 6 OF THE STATE CONSTITUTION**

WHEREAS, on April 2, 2024, the City Council of the City of San Leandro adopted Resolution No. 2024-030 initiating proceedings to obtain approval of the 2024 Stormwater Fee amendment ("Stormwater Fee"), which is a property-related fee conforming to Article XIII D, Section 6 of the California Constitution; approving the Fee Report for the Stormwater Fee ("Fee Report," dated March 2024); and setting a public hearing before the City Council on May 20, 2024 held at 835 East 14th Street at 7:00 p.m. to consider all property owner protests to the proposed fee; and

WHEREAS, on April 2, 2024, the City Council of the City of San Leandro adopted Resolution No. 2024-031 adopting ballot procedures applicable to the proposed fee pursuant to Article XIII D, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIII D of the California Constitution, the City provided 45-day written mailed notice to each record owner of parcels of real property subject to the Stormwater Fee of a public hearing, which was held at a regular meeting of the City Council on May 20, 2024 at 7:00 p.m. at the City Council Chambers located at 835 E. 14th Street in San Leandro on the issue of whether the proposed property-related fee should be levied and collected as proposed in the Fee Report for Fiscal Year 2024-2025; and

WHEREAS, on May 20, 2024 the City Council adopted Resolution No. 2024-044 finding that a majority protest did not exist and directing a property owner ballot proceeding for the Stormwater Fee; and

WHEREAS, on May 24, 2024 a ballot and information guide were mailed to every owner of property that would be subject to the proposed Stormwater Fee; and

WHEREAS, the balloting period for the proposed Stormwater Fee closed on July 8, 2024 at 5:00 p.m.; and

WHEREAS, the tabulation of the ballots was completed on July 9, 2024 at 4:30 pm by HF&H Consultants, Inc. and City staff and certified by the City Clerk.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

SECTION 1. Tabulation of the Ballots. For each valid ballot, each parcel subject to the proposed fee counted as one vote. Property owners with more than one parcel could have up to six properties listed on a ballot, with each property counting as one vote, resulting in more than one vote for that ballot. The tabulation of the fee ballots submitted by property owners is complete and certified by the City Clerk, and the votes cast are as follows:

Total Number of Valid Votes: 6,825

Total Number of “Yes” Votes Processed: 2,965

Total Percentage of “Yes” Votes Processed: 43.4%

Total Number of “No” Votes Processed: 3,860

Total Percentage of “No” Votes Processed: 56.6%

Total Number of “Invalid” Votes Processed: 216

SECTION 2. Invalid Votes. Of the ballots returned, 216 votes were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No,” or were not signed.

SECTION 3. Ballot Results. Since the majority of the votes cast by property owners were in opposition to the amendment, in accordance with Article XIII D of the California Constitution, the Council may not amend the City’s Stormwater Fee.

Introduced by Councilmember _____ and passed and adopted this 15th day of July 2024 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST: _____

Kelly B. Clancy, CMC
City Clerk