

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 24-XXX**

**RESOLUTION OF THE SAN LEANDRO FINDING THAT A MAJORITY PROTEST DOES NOT EXIST, DIRECTING A PROPERTY-OWNER BALLOT PROCEEDING FOR THE CITY'S STORMWATER FEE AMENDMENT, AND DIRECTING THE CITY MANAGER TO VOTE "YES" FOR CITY OF SAN LEANDRO OWNED PARCELS**

**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 proposed Stormwater Fee Amendment ("Fee Amendment"), 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 in the City Council Chambers at 835 E. 14<sup>th</sup> Street, San Leandro, CA 94577 at 7:00 pm 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 XIIID, Section 6(c) of the California Constitution; and

**WHEREAS**, pursuant to the provisions of Article XIII D of the California Constitution, the City has provided a 45-day written mailed notice to each record owner of parcels of real property subject to the Stormwater Fee Amendment of a public hearing, which was held at a regular meeting of the City Council on May 20, 2024 at 7:00 pm in the City Council Chambers on the issue of whether the proposed property related fee should be levied and collected as proposed in Option 2 of the Stormwater Fee Report for Fiscal Year 2024-2025; and

**WHEREAS**, the mailed notice of the public hearing contained the following information:

- (a) the total amount of fee proposed to be levied for fiscal year 2024-2025;
  - (b) the fee chargeable to each parcel type (land use category);
  - (c) the reason for the Fee Amendment;
  - (d) the basis upon which the amount of the proposed Fee Amendment was calculated;
  - (e) the date, time and place of the public hearing as specified in this resolution;
- and

(f) a summary of the effect of a majority protest; and

WHEREAS, the San Leandro Parking Authority, as a property owner subject to the proposed Stormwater Fee, has elected to exercise its right to return a ballot in favor of the Stormwater Fee amendment.

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

SECTION 1. Tabulation of the Written Protests. The tabulation of written protests by the City Clerk is complete. A total of \_\_ written protests have been submitted representing \_\_% of the 24,979 identified parcels subject to the Fee Amendment. Therefore, the City Council hereby finds that a majority protest does not exist as defined in Section 6(a)(2) of Article XIID of the California Constitution and Sections 53755(b) and (d) of the California Government Code with respect to the proposed Stormwater Fee Amendment.

SECTION 2. Voter Approval for the Stormwater Fee Amendment. Pursuant to the provisions of Article XIII D, Section 6(c) of the California Constitution, the City of San Leandro shall conduct a ballot proceeding to obtain property owner approval of the Stormwater Fee consistent with the procedures described in Resolution No. 2024-031.

SECTION 3. Ballots for City of San Leandro owned Parcels. The City Manager shall vote “yes” on all parcels owned by the City and return those ballots to the City Clerk within the time period to cast ballots.

Introduced by Councilmember \_\_\_\_\_ and passed and adopted this 20<sup>th</sup> day of May 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

ATTEST: \_\_\_\_\_

Kelly B. Clancy, CMC  
City Clerk