

PROP 218 REQUIREMENTS

I. SUBSTANTIVE REQUIREMENTS

- A. Assessments **must be supported by a detailed engineer's report** prepared by a registered engineer certified by the State.
1. Determine **the proportionate special benefit** in relationship to the entire cost of the improvement or service.
 2. **Must calculate the amount of the assessment** to be imposed on each identified parcel.
 3. **No assessment shall exceed the reasonable cost of the proportional special benefit** that is conferred on a parcel.
- B. **Identify all properties** that receive special benefit.
- C. **Separate** the general benefits from the special benefits.

II. PROCEDURAL REQUIREMENTS

- A. **SCHEDULE DATE.** Set a Public Hearing date for the levying of the new or increased assessment.
- B. **NOTICE.** Mail notice to record property owners of each identified parcel in the district to be assessed.
1. Must be mailed not less than **45 calendar days prior to the public hearing**. The day of mailing is excluded from the 45 day mailing period.
 2. Must include the **following information**.
 - a. **Amount** of the proposed assessment to be imposed on the identified parcel
 - b. **Total amount** to be imposed in the entire assessment district
 - c. **Duration** of the assessment
 - d. **Reason** for the assessment
 - e. **Basis** upon which the assessment was **calculated**
 - f. The **date, time, and location of the public hearing**
 - g. A **ballot**
 - h. A **summary of the procedures** for completing it, including a **disclosure statement that if the ballots opposing the proposed assessment exceed the ballots submitted in favor** of the assessment (referred to as a **majority protest**), the assessment may not be imposed.



- C. **BALLOT REQUIREMENTS.** Set a Public Hearing date for the levying of the new or increased assessment.
1. Face of the envelope with the ballot and notice **must be in at least sixteen-point type**, the following statement in substantially the following form: **“OFFICIAL BALLOT ENCLOSED.”**
 2. Ballot must include the following information.
 - a. **City's address** for the receipt of completed ballot
 - b. A place for the property owner to indicate **name** and a **reasonable identification of the parcel** subject to the proposed assessment.
 - c. A place for the property owner to indicate **support or opposition** for the proposed assessment.
 3. The ballot must be **in a form that conceals its contents** once it is sealed and delivered by the person submitting the ballot.
 4. Ballot must be:
 - a. **Signed by the record owner** or his or her authorized representative
 - b. **Mailed or otherwise delivered** to the City address on notice
 - c. **Received by the City prior to the close of the public hearing.**
 5. Ballots must **remain sealed** until the close of the public hearing.
 6. Ballots **may be submitted, changed, or withdrawn prior to the close of the public hearing.**
 7. City **may provide return envelope.**

D. **PUBLIC HEARING**

1. **Conduct public hearing** on the date and time stated in the notice and must not be held less than 45 calendar days after the notice of the proposed assessment and public hearing is mailed to the record owner(s) of each identified parcel.
2. City must **consider all objections or protests.**
3. City must **only consider valid ballots as official protests.**
4. After public hearing has been closed, City shall **tabulate ballots.**
5. City **may continue** public hearing.



6. City **may also continue the tabulation** of the ballots to a different time and location accessible to the public, **BUT** City must announce the time and location.

E. PROTESTS

1. An impartial person (City Clerk) shall tabulate the ballots.
2. Tabulation must be done in view of the public.
3. **Majority protests exists if**, upon conclusion of the public hearing, **ballots submitted in opposition exceed ballots submitted in favor.**
4. All returned ballots are **weighted according to the amount assessed** on each particular parcel.
5. Ballots submitted by **more than one property owner are allocated based on ownership interest.**

F. BURDEN OF PROOF IS ON THE CITY

1. Burden is on the City to **demonstrate that the properties in question receive special benefit.**
2. Burden is on the City to **demonstrate that the amount of the assessment is proportional** to the benefits conferred.

