

RESOLUTION NO. 10591

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE: (1) SETTING THE DATE, TIME AND PLACE FOR THE CONDUCT OF A MAJORITY PROTEST PUBLIC HEARING PER ARTICLE XIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION AND GOVERNMENT CODE SECTION 53755 ET SEQ. TO RECEIVE WRITTEN PROTESTS AND OBJECTIONS BY AFFECTED REAL PROPERTY PARCEL OWNERS TO PROPOSED INCREASES TO THE CITY'S SCHEDULE OF SEWER SERVICE FEES AND CHARGES AUTHORIZED UNDER CHAPTER 3.01 (SEWER SERVICE CHARGE) OF THE EL MONTE MUNICIPAL CODE; (2) APPROVING A MASTER LIST OF AFFECTED REAL PROPERTY PARCELS; (3) APPROVING A SEWER SERVICE CHARGE RATE STUDY JUSTIFYING THE RECOMMENDED SEWER SERVICE CHARGE INCREASES; (4) APPROVING RULES FOR THE SUBMISSION OF OBJECTIONS AND THE SUBMISSION AND TABULATION OF WRITTEN PROTESTS; AND (5) DIRECTING CITY STAFF TO UNDERTAKE ALL OTHER MEASURES LEGALLY REQUIRED TO CONDUCT A MAJORITY PROTEST HEARING, INCLUDING THE ISSUANCE OF 45-DAYS PRIOR WRITTEN NOTICE TO THE OWNERS OF AFFECTED REAL PROPERTY PARCELS

WHEREAS, the City of El Monte ("City"), pursuant to Health & Safety Code Section 5470 *et seq.*, has the power to prescribe, revise and collect fees or other charges for the use of its sewer system; and

WHEREAS, sewer service charges established under the authority of Health & Safety Code Section 5470 *et seq.* are considered property-related fees/charges within the meaning of Article XIID of the California Constitution ("Article XIID") and are therefore subject to the approval requirements set forth under Article XIID; and

WHEREAS, the El Monte City Council ("City Council") first established its schedule of sewer service charges on June 17, 2008 in compliance with Article XIID by conducting a duly noticed majority-protest public hearing to consider the approval of the charges under the authority of Health & Safety Code section 5479 *et seq.*; and

WHEREAS, the City Council, in the course of the June 17, 2008 majority-protest public hearing, listened to the oral comments of affected residents, property owners, and other interested parties and received the written protests of affected parcel owners, including written protests which had been submitted to the City Clerk in advance of the majority-protest public hearing; and

WHEREAS, at the conclusion of the June 17, 2008 majority-protest public hearing, the City Council approved uncodified Ordinance No 2724 which approved the establishment of the existing schedule of sewer service charges in the manner prescribed in that certain Sewer Service Charge Study dated April 25, 2008 ("2008 Rate Analysis") prepared by the consulting firm of Hilton, Farnkopf & Hobson, LLC; and

WHEREAS, the City now wishes to increase, adjust and modify the current schedule of sewer services charges prompting the need for the City to conduct a new majority-protest process; and

WHEREAS, Article XIID requires that the City provide all affected real property parcel owners with written notice that (i) informs the parcel owners of City's intent to increase a property-related fee or charge and the amounts proposed, (ii) explains the reasons and methodology for the increases, (iii) identifies the proposed date, time and

location of the majority-property hearing where the City Council will consider approval of the increase, and (iv) explains the majority-protest process and how parcels may lodge objections to the proposed increases; and

WHEREAS, Article XIID further requires that such notice be issued no less than 45 days prior to the proposed date of the majority-protest hearing; and

WHEREAS, the City has engaged Raffelis to prepare that certain updated sewer service charge fee study entitled Sewer Rate Study and dated 3-12-2025 (the "2025 Rate Study") which proposes an amended schedule of increased sewer service fees and charges; and

WHEREAS, the City Clerk, following the close of the public hearing, the City Clerk will tabulate all written protests submitted in opposition to the proposed increases to determine whether or not the number of real property parcels for which a protest was submitted exceeds 50% of the total number of real property parcels affected by the contemplated increases; and

WHEREAS, the proposed increases to the City's schedule of sewer service charges may not be implemented if the total number of real property parcels for which a protest was submitted exceeds 50% of the total number of real property parcels affected by the contemplated increases; and

WHEREAS, if the proposed increases to the City's schedule of sewer service charges survives the majority protest proceedings, the City Council must also approve a resolution or uncodified ordinance approving the amended schedule of increase sewer service fees and charges as set forth in the 2025 Rate Study.

**NOW, THEREFORE, the City Council of the City of El Monte does hereby resolve and find as follows:**

**SECTION 1.** City Council finds that the foregoing Recitals are true and correct.

**SECTION 2.** The City Council accepts 2025 Rate Study and finds, determines and resolves, in accordance with Section 6(b) of Article XIID, that: (i) revenues derived from the fee or charge referenced in the 2025 Rate Study do not exceed the funds required to provide the property related service; (ii) revenues derived from the fees or charges will not be used for any purpose other than that for which the fee or charge was imposed; (iii) the amount of the fees or charges imposed upon any parcel or person as an incident of property ownership will not exceed the proportional cost of the service attributable to the parcel; and (iv) no fee or charge will be imposed for sewer service unless that service is actually used by, or immediately available to, the owner of the property in question; and (v) no fee or charge will be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. The City Council, reserves the right to amend any or all of these findings and determinations based on any additional information, documentation or testimony which may be presented as part of the majority-protest hearing process.

**SECTION 3.** The City Council also hereby accepts and approves that certain list of real property parcels which has been compiled by Harris & Associates (hereinafter, the "Parcel List") and which represent the total number of real property parcels within the City that receive sewer services from the City and would be affected by the rate increases discussed herein. The parcel numbers and corresponding property owner addresses are based on parcel data compiled from the latest equalized tax assessment roll. (A true and correct copy of the Parcel List shall be maintained by the City Clerk as a record of the City and shall be available for inspection). The Office of the City Clerk is located 11333 Valley Boulevard, El Monte, California.

**SECTION 4.** The City Council further finds that the total number of written protests required to defeat any proposed increase in water charges shall be a sum equal to 50% plus 1 of **18,462**, the total number of affected real property parcels or

9,232 protests total. In keeping with Article XIID, Section 6, City staff is instructed to mail written notice of the majority protest public hearing to all persons identified in the Parcel List and such notice must be mailed no less than 45 days prior to the date of the majority protest public hearing. The specific procedures for the submission and tabulation of protests are set forth in **Exhibit "A"** to this Resolution which is entitled "Guidelines for the Submission and Tabulation of Protests" which is adopted and incorporated hereto by this reference. The mailed notice shall adhere to the requirements of Article XIID, Section 6 of the California Constitution and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 *et seq.*).

**SECTION 4.** The City Council hereby sets a public hearing to consider approval of the proposed increase to the City's schedule of sewer service fees and charges. The public hearing shall be held as part of a special meeting or adjourned regular meeting of the City Council on the following date and time and at the following location:

**Date:** May 14, 2025  
**Time:** 7:00 p.m. or as soon thereafter as the matter may be heard  
**Location:** El Monte City Hall – East  
City Council Chambers  
11333 Valley Boulevard  
El Monte, California 91731

The hearing shall be open to the public and anyone interested may appear and be heard on the matter. Approval of the proposed water rate increases shall be undertaken in compliance with Article XIID, Section 6 of the California Constitution.

**SECTION 5.** The City Council further authorizes City staff to commence, coordinate, oversee all procedures and processes required for the approval of property-related fees or charges under Proposition 218 (specifically Article XIID, Section 6 of the California Constitution) and under Government Code Section 53750 *et seq.*

**SECTION 6.** City staff is also instructed to do the following so that the City may avail itself of the exhaustion of remedies established under AB 2257 and codified under Government Code Section 53759.1(c):

- i. Make the 2025 Rate Study and the Parcel List available for public inspection no less than 45 days prior to the scheduled date of the majority-protest hearing. Both documents shall be made available in hard copy form at the Office of the City Clerk during regular business hours and electronically on the City's internet website.
- ii. Post the 2025 Rate Study on the City's internet website along with any other informational material concerning the proposed increase to the City's schedule of sewer service fees and charges.
- iii. The 45-day notice sent to affected real property parcel owners shall include the link to information referenced under romanette ii, above.
- iv. Upon request of a property owner, City staff shall mail a copy of the 45-day notice to the property owner. Such requests may be submitted to the Office of the City Clerk or to the Public Works Department c/o Abel Martinez.
- v. Provide property owners with at least 45 days to review the 2025 Rate Study and any other information concerning the same so that the property owner may timely submit to the City a written objection to the proposed sewer service charge increases that specifies the grounds for alleging noncompliance. To be considered timely, any written objection shall be submitted prior to the close of the public comment portion of the majority-protest hearing. A timely submitted "written objection" will be counted as

“written protest” provided the written objection satisfies all of the conditions required for a “written protest” to be counted.

- vi. The City will consider and respond in writing to timely submitted written objections prior to the close of the majority-protest hearing. The City’s response will explain the substantive basis for retaining or altering the proposed sewer service charge schedule in response to the written objection. Timely submitted written objections and City responses shall be presented to the City Council for consideration prior to or during a protest hearing.
- vii. The 45-day notice shall include a prominently displayed statement that contains the following information:
  - That all written objections must be submitted by or before the closing of the public comment portion of the public hearing and that the failure to timely object in writing bars any right to challenge the proposed schedule of City sewer service fees and charges through a legal proceeding.
  - All substantive and procedural requirements for submitting an objection to the proposed schedule of City sewer service fees and charges.
- viii. Completes the procedures described above, inclusive, prior to the completion of the majority-protest hearing.

**SECTION 7.** The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof. This Resolution shall take effect immediately up its adoption.

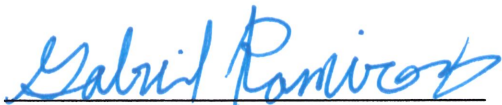
**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of El Monte at the regular meeting on this 12th day of March, 2025.



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Jessica Ancona, Mayor  
City of El Monte

ATTEST:



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Gabriel Ramirez, City Clerk  
City of El Monte

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS.  
CITY OF EL MONTE             )

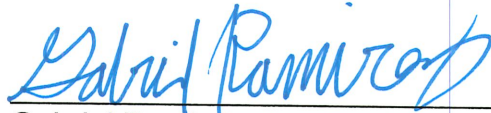
I, Gabriel Ramirez, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10591 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at an adjourned regular meeting of said City on this 12th day of March, 2025, and that said Resolution was adopted by the following votes to wit:

AYES:           Mayor Ancona, Mayor Pro Tem Cortez, Councilmembers Crippen-Thomas, Galvan, Herrera, Longoria and Dr. Ruedas

NOES:           None

ABSTAIN:       None

ABSENT:        None



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Gabriel Ramirez, City Clerk  
City of El Monte

## EXHIBIT "A"

### GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS (Approved as Part of City Council Resolution 10591 on March 12, 2025)

#### HOW TO PROTEST PROPOSED RATES

There are multiple ways that the record owner<sup>1</sup> of a real property parcel that is affected<sup>2</sup> by the City's proposed adoption of a schedule of increased sewer service fees and charges can participate in the Proposition 218 majority-protest process. A majority-protest election is not the same as traditional election in which all registered voters of the City may cast votes. A majority-protest vote is limited to Parcel Owners whose properties will be affected the by the establishment of, or increase to, a so-called property-related fee or charge like the schedule of sewer service fees and charges at issue here. As described below, specific comments in the form of legal protests or objections must be adequately stated in writing and timely submitted in order to be given consideration.

#### HOW TO SUBMIT A WRITTEN PROTEST

The owners of affected real property parcels within the City have the right to protest the City's proposed increases to its schedule of sewer service fees and charges. Protests will only be considered valid if they meet the following procedural and substantive requirements:

1. Protests must be in writing and must be submitted by property owner. The City will not accept email, fax, or photocopied protests. There are two ways in which a written protest may be submitted: **(a)** by delivering it to the Office of the City Clerk ("City Clerk"); or **(b)** by submitting the protest in-person at the majority-protest public hearing before the close of the public comment portion of the hearing. Protests delivered to the City Clerk's Office may be delivered in person during regular business hours, by regular mail or by overnight courier service. The City Clerk's office is located at **El Monte City Hall – East, 11333 Valley Boulevard El Monte, California 91731** and is open Monday through Thursday from 7:00AM to 5:30PM, excluding City-observed holidays. **Please indicate on the envelope: "Sewer Service Charge Protest Enclosed"**. All protests must be received by the City Clerk before the conclusion of the public comment portion of the majority-protest public hearing. Any protest received after the conclusion of the public hearing will not be accepted or considered. Only one written protest per affected property will be counted. Note that a written protest is not the same as a legal objection, as described below.

*CAUTION: Written protests deposited in the mail and postmarked prior to the close of the majority protest public hearing but received after the close of the public hearing will be deemed untimely and will not be counted. The same applies to protests delivered through an overnight courier service. Parcel Owners who are concerned that their protest(s) will not be received on time are strongly encouraged to deliver their protest(s) in person during the City Clerk's regular business hours and prior to the start of the public hearing or on the date of the hearing but prior to the close of the public comment portion of the majority-protest public hearing.*

2. Protests must include the following information:
  - Property owner's name, parcel number (APN), and/or service address.
  - A statement to the effect of "I protest the proposed sewer service rate increases" and an original signature.

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<sup>1</sup> For purposes of this Exhibit, the term "**record owner**" has the same meaning as found under subsection (j) of Government Code Section 53750 which defines the term "record owner" to mean the owner of a parcel whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the agency.

<sup>2</sup> A real property parcel is affected by the proposed rate increase if it receives municipal sewer services or is otherwise connected to the municipal sewer system.

3. The City Clerk will confirm the validity of each written protest submitted. The City Clerk will not accept a written protest as valid if any one or more the following circumstances apply:
  - a. The protest does not identify the specific real property parcel for which it is being submitted.
  - b. The protest does not bear an original signature of the record owner or person otherwise authorized to submit the protest on the record owner's behalf.
  - c. The protest does not state any opposition to the City's proposed approval of the schedule of increased sewer service fees and charges.
  - d. The protest was not received by the City Clerk before the close of the public comment portion of the majority protest public hearing.
  - e. A request to withdraw the protest is received prior to the close of the public comment portion of the majority-protest hearing.

The City Clerk's determination that a submitted written protest is not valid or otherwise fails to comply with the submission requirements shall constitute a final action of the City and shall not be subject to any further administrative appeal.

4. At the conclusion of the majority protest public hearing, the El Monte City Council will consider adopting the proposed changes as follows:
  - If fewer than a majority of property owners submit a protest, the City Council will consider adopting the schedule of increased sewer service fees and charges as proposed.
  - If a majority (50%+1) of affected property owners protest the adoption of the proposed schedule of increased sewer service fees and charges the City Council will be prohibited by law from adopting the increased fees and charges.

To restate, a proposed rate increase under the majority-protest voting format, the number of written protests submitted in opposition to the proposed rate increase must exceed 50% of the total number of real property parcels affected by the proposed rate increase. The total number of real property parcels affected by the proposed rate increase has been determined to be 18,642 total. If written protests in opposition to the rate increases are received for less than a majority of the total number of real property parcels affected by the proposed rate increase, then the City Council will be authorized to approve the new schedule of increased sewer service fees and charges.

#### HOW TO SUBMIT A WRITTEN OBJECTION(S) IN ORDER TO EXHAUST ADMINISTRATIVE REMEDIES PURSUANT TO CALIFORNIA ASSEMBLY BILL 2257 (AB 2257)

Notice is hereby given that any affected real property parcel owner who wishes to object to the adoption of the proposed schedule of increased sewer service fees and charges must first submit a timely-received written legal objection so that the El Monte City Council can duly consider those objections prior to making its decision.

1. There are two ways in which a written objection may be submitted: (a) by delivering it to the Office of the City Clerk ("City Clerk"); or (b) by submitting the objection in-person at the majority-protest public hearing before the close of the public comment portion of the hearing. Objections delivered to the City Clerk's Office may be delivered in person during regular business hours, by regular mail or by overnight courier service. The City Clerk's office is located at **El Monte City Hall – East, 11333 Valley Boulevard El Monte, California 91731** and is open Monday through Thursday from 7:00AM to 5:30PM, excluding City-observed holidays. **Please indicate on the envelope: "Sewer Service Charge Objection Enclosed"**. All objections must be received by the City Clerk before

the conclusion of the public comment portion of the majority-protest public hearing. Any objection received after the conclusion of the public hearing will not be accepted or considered. A written objection will be counted as a written protest provided it includes all of the information required for written protests.

*CAUTION: Written objections deposited in the mail and postmarked prior to the close of the majority protest public hearing but received after the close of the public hearing will be deemed untimely and will not be counted. The same applies to objections delivered through an overnight courier service. Parcel Owners who are concerned that their objection(s) will not be received on time are strongly encouraged to deliver their objection(s) in person during the City Clerk's regular business hours and prior to the start of the public hearing or on the date of the hearing but prior to the close of the public comment portion of the majority-protest public hearing.*

2. Written objections must include the following information:

- The affected parcel owner's name, parcel number, and/or service address.
- A statement that your communication constitutes a legal objection.
- A description of the nature of the legal objection, with sufficient specificity to allow City staff to respond in writing. A statement that the proposed adoption of increase sewer service fees and charge violate Proposition 218. Without an explanation as to the basis of your claim will not be sufficient to constitute a legal objection.

3. Failure to submit a legal objection or to meet the requirements set forth above will bar any right to challenge the proposed water rates and charges through a legal proceeding.

4. At the majority-protest public hearing scheduled for Wednesday, May 14, 2025, the El Monte City Council will accept and consider all written protests, written objections, and hear all oral comments on the proposed adoption of the an schedule of increased sewer service fees and charges. Oral comments will not be counted as protests unless accompanied by a written protest as outlined above, but oral comments, as with all other written comments, protests, and objections, will be considered by the El Monte City Council prior to rendering a decision and action on the proposed schedule of increased sewer service fees and charges. The El monte City Council, in exercising its legislative discretion, shall determine any of the following:

- Whether the written objections and the City's response warrant clarifications to the proposed schedule of increased sewer service fees and charges.
- Whether to reduce any fees or charges set forth in the proposed schedule of increased sewer service fees and charges.
- Whether to further review before making a determination on whether clarification or reduction is needed.
- Whether to proceed with the majority-protest hearing.

5. If adopted, the proposed schedule of increased sewer service fees and charges will take effect beginning August 1, 2025. The reasons for the increases to the fees and charges, the basis upon which they were calculated, and the rates proposed are described in more detail in the updated sewer service charge fee study prepared by Raftelis, the City's consultant, entitled "Sewer Rate Study" dated February 28, 2024 (the "2025 Sewer Rate Study") which proposes an amended schedule of increased sewer service fees and charges.

6. Statute of Limitations for Challenging Proposed Increases to Sewer Service Fees and Charges: Please note that pursuant to California Government Code section 53759, there is a 120-day statute of limitations for judicially challenging all rates set forth in this Notice that runs from the effective date of or the date of the final passage, adoption, or approval of the ordinance, resolution, or motion approving the rates, whichever is later.

## CONTINUANCE OF MAJORITY-PROTEST PUBLIC HEARING

The El Monte City Council reserves the right to continue the majority-protest public hearing to allow for additional time for the verification and/or tabulation of written protests and/or to allow City staff to respond to written protests in the manner contemplated under Government Code Section 53759.1(c)(5).

[END OF GUIDELINES]