

Assembly Constitutional Amendment

No. 10

Introduced by Assembly Member Harman

February 11, 2003

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 6 of Article XIII D thereof, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

ACA 10, as introduced, Harman. Local government: property-related fees.

The California Constitution, with the exception of fees or charges for sewer, water, and refuse collection services, conditions the imposition or increase of a property-related fee or charge upon the approval by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency imposing the fee or charge, by a $\frac{2}{3}$ vote of the electorate residing in the area affected by the fee or charge.

This measure would additionally exclude fees and charges for storm water and urban runoff management from these voter approval requirements for the imposition or increase of property-related charges and fees.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring, That the*
- 2 *Legislature of the State of California at its 2003–04 Regular*
- 3 *Session commencing on the second day of December 2002,*

1 two-thirds of the membership of each house concurring, hereby
2 proposes to the people of the State of California that the
3 Constitution of the State be amended by amending subdivision (c)
4 of Section 6 of Article XIII D thereof, to read:

5 (c) Voter Approval for New or Increased Fees and
6 Charges. Except for fees or charges for sewer, water, ~~and storm~~
7 ~~water and urban runoff management, or~~ refuse collection services,
8 ~~no property-related~~ *a property-related* fee or charge ~~shall~~ *may not*
9 be imposed or increased unless and until that fee or charge is
10 submitted and approved by a majority vote of the property owners
11 of the property subject to the fee or charge or, at the option of the
12 agency, by a two-thirds vote of the electorate residing in the
13 affected area. The election shall be conducted not less than 45 days
14 after the public hearing. An agency may adopt procedures similar
15 to those for increases in assessments in the conduct of elections
16 under this subdivision.

