

Introduced by Senator YeeFebruary 22, 2013

An act to add Section 53755.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 553, as introduced, Yee. Local government: assessment: elections pro.

Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution.

Existing statutory law provides notice, protest, and hearing procedures for the levying of new or increased assessments, fees, and charges by local government agencies pursuant to Articles XIII C and XIII D of the California Constitution.

This bill would require, if a local government agency opts to submit the proposed fee or charge for approval by a vote of the property owners, as provided, that specified procedures be applied, except that ballots shall not be weighted. This bill would also require, if a local government agency opts to submit the proposed fee or charge for approval by the electorate, as provided, that the election be conducted by the county elections official or his or her designee.

By creating new requirements for property assessments conducted by counties and cities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53755.5 is added to the Government
2 Code, to read:

3 53755.5. When an agency proposes to impose or increase any
4 fee or charge subject to Section 6 of Article XIII D of the California
5 Constitution that is not exempt from the requirements of
6 subdivision (c) Section 6 of Article XIII D of the California
7 Constitution, the following procedures shall apply to the election:

8 (a) If the agency opts to submit the proposed fee or charge for
9 approval by a majority vote of the property owners who will be
10 subject to the fee or charge, subdivisions (b) to (e), inclusive, of
11 Section 53753 shall apply, except that the ballots shall not be
12 weighted.

13 (b) If the agency opts to submit the proposed fee or charge for
14 approval by a two-thirds vote of the electorate residing in the
15 affected area, the election shall be conducted by the county
16 elections official or his or her designee.

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.

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