

PROPOSITION 218 FAQs

WHAT IS PROPOSITION 218?

Proposition 218 is an article of the California Constitution that was passed by California voters in November 1996. It establishes the process by which public agencies can raise fees for public services. It was designed to provide greater ratepayer involvement in the entire rate setting process.

WHAT DOES PROPOSITION 218 REQUIRE OF GOVERNMENTAL ENTITIES?

Proposition 218 requires cities to mail a public hearing notice to every property owner regarding proposed rate changes 45 days prior to holding a public hearing during which the City Council considers whether or not to adopt the changes. It also establishes a protest process for account holders to follow if they wish to oppose the proposed rates. The City has chosen to send this notice to rate paying tenants as well.

WHO RECEIVES A PUBLIC HEARING NOTICE?

Every property owner and rate paying tenant receives a public hearing notice.

WHAT SERVICES ARE COVERED BY THE RATES?

The rates are for the operation and administration of the solid waste disposal and recycling services and programs implemented by the franchisee as required by State law, the San Dimas Municipal Code, and the franchise agreement. Such services include solid waste containers, solid waste pick-up, 6 free bulky item pickups per year, and sharps disposal. Additional information on services provided by Waste Management is found at:

https://sandimasca.gov/residents/resident_services/waste_disposal_and_recycling.php

ARE WE THE ONLY CITY EXPERIENCING AN INCREASE IN SOLID WASTE SERVICES?

No. The costs associated with the proposed rate increase will affect most, if not all, jurisdictions in Los Angeles County and the State. Costs associated with CPI, [SB 1383](#), and [recycling markets](#) will impact solid waste rates all across California.

WHAT ARE THE REQUIREMENTS FOR SUBMITTING A PROTEST OF THE RATES?

All written protests must, at a minimum, include the following information to be counted:

- (a) address or assessor parcel numbers of property subject to the new rates,
- (b) printed name and signature of the protester and whether the protester is a property owner or rate paying tenant, and
- (c) a clear statement protesting the rates proposed in this notice. Written protests by electronic mail (email) or fax will not be accepted.

Only one protest can be filed by an account holder per parcel (or service address) in order to count as a valid protest vote.

Since all written protests must be received by the end of the public hearing, protests being sent by mail should allow sufficient time for delivery as they will not be counted if they are not received and processed by the City Clerk's office prior to the close of the public hearing.

Persons wishing to protest must submit (in-person or by mail) their protest to:

**City of San Dimas, Attention City Clerk
245 East Bonita Avenue
San Dimas, CA, 91773**

Protests must be received before the public hearing or appear at the public hearing and submit their written protest at the hearing.

WHAT HAPPENS WHEN I SEND IN MY WRITTEN PROTEST?

Written protests, must include all information satisfying the three requirements above to be counted, and are counted and kept on file with the City Clerk. If a majority of the account holders file written protests opposing the rates before the end of the public hearing, the City is prohibited by Proposition 218 from implementing the rate changes.

WHAT CONSTITUTES THE MAJORITY NEEDED TO PROTEST THE PROPOSED RATES?

A majority of the property owners/tenant rate payers means more than one-half (50% plus one) of the properties in San Dimas. Currently the City has 11,031 properties of which 5,516 or more protests would constitute a majority.

WHAT HAPPENS IF THE CITY RECEIVES A MAJORITY OF PROTESTS?

In the event that a majority of property owners/tenant rate payers protest the rate changes, City Council are provided copies of the ratepayer protests for their review and may choose to either request that staff go back and make changes to be reintroduced through another 218 process before consideration of an adoption is entertained, or, withhold adoption of the proposed rate changes altogether.

WHAT HAPPENS IF THE CITY DOES NOT RECEIVE A MAJORITY OF PROTESTS?

Without a majority protest, the City Council has the legal authority to adopt the proposed rate changes as dictated by Proposition 218. However, should a majority protest not be met, City Council is not automatically required to adopt the changes. Council may choose to withhold adoption or may request staff to go back and make changes, requiring the proposal to be reintroduced through a new and separate Proposition 218 rate hearing process before consideration of adoption is entertained.

A FEW ITEMS WORTH REPEATING FOR CLARIFICATION:

*****An important distinction is the requirement that there be no more than one protest per account.** Multiple dwellings for which there are more than one home, apartment, mobile home, etc., receive only one protest from the account holder (name on the account).

The signature that is required in order for a protest to be valid and counted must be handwritten. The City uses this to verify that a protest is not reproduced or submitted by someone other than the property owner or Waste Management account holder. The protest can then be scanned for submission but the scan must include a handwritten (not typed) signature.