

CITY OF SAN MATEO
RESOLUTION NO. ____-2023

FINDING THAT A MAJORITY PROTEST DOES NOT EXIST AND DIRECTING A PROPERTY OWNER BALLOT PROCEEDING FOR THE PROPOSED COMMUNITY FLOOD AND STORM PROTECTION FEE, A PROPERTY-RELATED FEE CONFORMING TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION

WHEREAS, on July 17, 2023, the City Council of the City of San Mateo adopted Resolution 81 (2023) initiating proceedings to obtain approval of the proposed new Stormwater Fee ("Fee"), which is a property related fee conforming to Article XIII D, Section 6 of the California Constitution; approving the Fee Report for the Stormwater Fee ("Fee Report," dated July 2023); and setting a public hearing before the City Council on October 16, 2023 in the City Council Chambers at 330 West 20th Avenue, San Mateo CA 94403 at 7:00 pm to consider all property owner protests to the proposed fee; and

WHEREAS, on July 17, 2023, the City Council of the City of San Mateo adopted Resolution 81(2023) adopting ballot procedures applicable to the proposed fee pursuant to Article XIID, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIII D of the California Constitution, the City has provided 45-day written mailed notice to each record owner of parcels of real property subject to the Stormwater Fee of a public hearing, which was held at a regular meeting of the City Council on October 16, 2023 at 7:00 pm in the City Council Chambers on the issue of whether the proposed property related fee may be imposed as proposed in the Fee Report for Fiscal Year 2024-25; and

WHEREAS, the mailed notice of the public hearing contained the following information: (a) the total amount of fee proposed to be levied for fiscal year 2024-25; (b) the fee chargeable to each owner's parcel; (c) the reason for the Fee; (d) the basis upon which the amount of the proposed Fee was calculated; (e) the date, time and place of the public hearing as specified in this resolution; and (f) a summary of the effect of a majority protest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Mateo as follows:

1. **Tabulation of the Written Protests.** The tabulation of written protests by the City Clerk is complete. A total of [REDACTED] written protests were submitted representing ____% of the 28,994 identified parcels subject to the Fee. Therefore, the City Council hereby finds that a majority protest does not exist as defined in Section 6(a)(2) of Article XIII D of the California Constitution and Sections 53755(b) of the California Government Code with respect to the proposed Stormwater Fee.
2. **Voter Approval for the Stormwater Fee.** Pursuant to the provisions of Article XIII D, Section 6(c) of the California Constitution, the City of San Mateo shall conduct a ballot proceeding to obtain property owner approval of the Stormwater Fee consistent with the procedures described in Resolution No. 81 (2023).